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ABSTRACT

This manual contains special education standards and indicators for educating children with disabilities in Missouri. It is divided into four main sections. Section 1 contains special education compliance standards based upon the federal Office of Special Education Programs Continuous Improvement Monitoring Program clusters and indicators. The standards are organized around 11 focus areas: suspension/expulsion, procedural safeguards, evaluation, special education and related services, least restrictive environment, secondary transition, dropouts, child find, personnel, general administration, and state and district-wide assessment. For each of the focus areas, standards have been identified as they apply in one of three major areas: administrative requirements, performance requirements, and process requirements. Section 2 identifies program compliance indicators to assist individuals responsible for the administration of special education programs in implementing all required regulations and to assist them in meeting the program review standards. The indicators are divided into the following documents: administrative procedures, special education process, discipline, speech implementer model, transfers, and eligibility determinations. Section 3 contains monitoring checklists for each of the documents. Section 4 contains appendices that include information on placement options, parent participation in meetings, student transfers, state performance goals and indicators, and federal regulations. (CR)

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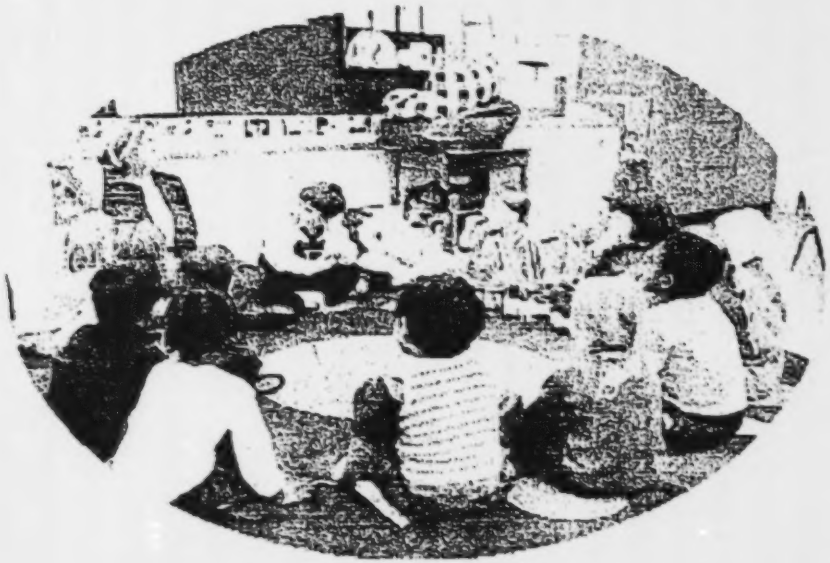
Special Education Compliance

Program Review Standards and Indicators

ED 467 247



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Special Education Compliance
Program Review Standards & Indicators

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Missouri Department of Elementary & Secondary Education

Mission Statement

The Department of Elementary and Secondary Education is a team of dedicated individuals working for the continuous improvement of education and services for all citizens. We believe that we can make a positive difference in the quality of life for all Missourians by providing exceptional service to students, educators, schools and citizens.

We provide leadership and promote excellence. We

- Champion high-quality public education
- Advocate equity for every learner
- Develop school leaders and other educational team members
- Establish standards that demand excellence and build a solid foundation for lifelong learning, workplace skills and citizenship
- Evaluate program and policy effectiveness
- Share best practices
- Carry out programs with the least administrative burden and cost
- Assist persons with disabilities by providing individualized support and services
- Create a caring workplace that fosters teamwork and personal and professional growth

We promise to greatly exceed customers' expectations. We

- Listen to those we serve in order to improve our operations and adapt to changing needs
- Forge partnerships to improve our services
- Value each employee's contribution to achieving this mission

Missouri's Vision for Special Education Services

We, the people of Missouri, believe that diversity enhances our culture; therefore, we commit our resources and efforts to accept, educate, and support all children and youth. All children and youth, being of diverse backgrounds and abilities, will have access to all learning activities with accommodations and supports to enable them to succeed. All children and youth are actively engaged in creating their own futures and are prepared for life as independent, informed, and empowered citizens; and, are embraced as vital, valued, and contributing members of their communities.

Therefore, we need inclusive communities and schools that:

- recognize that all children and youth can learn;
- commit to providing equitable opportunities for all children and youth;
- build on the individual strengths and abilities of each child and youth;
- collaborate for the benefit of all children and youth; and,
- recognize and involve families as full partners.

PREFACE

The Compliance Section of the Division of Special Education supports the mission of the Department of Elementary and Secondary Education and the Vision of the Division of Special Education by providing leadership in establishing standards which promote improved outcomes for students with disabilities as well as consistency in the procedures public agencies implement for meeting compliance with state and federal regulations.

This standards and indicators manual represents the collaborative efforts of many dedicated individuals from across the state who have responsibilities for working with students with disabilities. As a result of these efforts and their willing cooperation, this manual provides a resource for special educators in their work of providing quality special education services to children with disabilities throughout the State of Missouri.

This Manual is divided into four (4) main sections.

Section I. Special Education Compliance Standards
These standards have been developed based upon Office of Special Education Programs (OSEP) Continuous Improvement Monitoring Program (CIMP) clusters and indicators. These clusters and indicators are what OSEP uses in their monitoring of States in regard to outcomes for performance of students with disabilities as well as compliance with federal regulations implementing the Individuals with Disabilities Education Act (IDEA). The standards are organized around eleven (11) focus areas:

A. Suspension/Expulsion
B. Procedural Safeguards
C. Evaluation
D. Special Education and Related Services
E. Least Restrictive Environment (LRE)
F. Secondary Transition
G. Drop-outs
H. Child Find
I. Personnel
J. General Administration
K. State and District-wide Assessment

For each of the focus areas listed above, standards have been identified as they apply in one of three major areas:

Administrative Requirements
Performance Requirements
Process Requirements

Section II. Program Review Indicators

Program compliance indicators have been identified to assist individuals responsible for the administration of special education programs in implementing all required regulations and to assist them in meeting the program review standards. The indicators are divided into the following documents

A. Administrative procedures
B. Special Education Process
C. (reserved)
D. Discipline
E. Speech Implementer Model
F. Transfers
G. Eligibility Determinations

Section III. Monitoring Checklists

This section contains monitoring checklists for each of the above documents. These checklists are used by districts when completing special education monitoring requirements as a part of their Missouri School Improvement Program (MSIP) review and by division staff in the compliance section when conducting monitoring activities.

Section IV. Appendix

This section contains a number of explanatory and guidance documents, which are referred to throughout the manual.

This manual is designed to be a working document used by administrators, teachers and other school personnel who are responsible for providing special education services to students with disabilities. It is especially important that those staff who are responsible for conducting evaluations and eligibility determinations and those who are responsible for the implementation of special education services have ready access to the manual.

If you have questions, comments, or suggestions regarding the manual or the standards and indicators contained herein, please contact the Compliance Section, Division of Special Education, Missouri Department of Elementary and Secondary Education, P. O. Box 480, Jefferson City, Missouri 65102-0480.

Pam Williams, Director
Special Education Compliance

Joyce Jackman, Assistant Director
Special Education Compliance

1. REFERRAL

Purpose

- To identify individuals with suspected disabilities

Additional Information

- Parents or district personnel may make referrals.
- District documentation of the referral must include:
  - Name and role of individual making the referral.
  - The reasons for the referral and descriptions of concerns.
  - A statement describing the learning experiences the child has received, especially in reading and math.
  - A statement that limited English proficiency is not the primary reason for the referral.
  - The date of the referral.
- Procedural Safeguards must be provided to the parents within 1-5 days of the initial referral for a special education evaluation.

Outcome

- For parent referrals
  - The district determines that an evaluation is not warranted and provides the parents with a Notice of Action Refused, or
  - The district determines that an evaluation is warranted and proceeds to step 2 of the process.
- For district referrals
  - The district proceeds to step 2 of the process.

2. REVIEW OF EXISTING EVALUATION DATA

Purpose

- To review existing data and identify what, if any, additional data is needed to determine:
  - Whether the child has, or continues to have, a particular category of disability.
  - The present levels of performance and educational needs of the child.
  - Whether the child needs, or continues to need, special education and related services.
  - Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum.

Additional Information

- This review must be conducted by a group of individuals that include required members of an IEP team and other qualified professionals, as appropriate.
- This review may be conducted without a meeting.

- The information reviewed should include, as appropriate,
  - Previous evaluations
  - Information provided by the parents
  - Current classroom-based assessments and observations
  - State and district-wide assessment results
  - Observations by teachers and by related services providers, if available and appropriate.
- District documentation of this review must include
  - The team conclusions/decisions
  - The date the conclusions/decisions are finalized
  - The names of individuals participating in the review.

Outcome

- The team determines that additional data is needed and proceeds with step 3 of the process.
- The team determines that additional data is not needed:
  - For initial evaluations, the district provides the parents with a Notice of Intent to Evaluate and proceeds to step 5 of the process.
  - For reevaluations, the district provides notification to the parents that includes:
    - The decision and the reasons for the decision.
    - The parent's right to request further assessment IF the purpose for conducting the assessments is to determine continued eligibility.

3. PLANNING THE EVALUATION *(This step only applies to evaluations requiring additional assessment.)*

Purpose

- To determine how the additional data will be obtained.

Additional Information

- When planning for the evaluation, the district must take into consideration information provided by the parents.
- It is the district's responsibility to determine how the data will be obtained.
- Parent participation is not required when making these decisions.

Outcome

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- District staff identifies assessments/procedures that will be used to obtain additional data.

4. PROVIDE NOTICE/OBTAIN CONSENT

Purpose

- To assure that parents/guardians have been fully informed of and agree to the proposed action.

Additional Information

- **Notice of Action (Intent to Evaluate)**
  - Must be provided for **all** initial evaluations.
  - Must be provided for reevaluations when conducting a test or administering any assessment instrument(s).
  - For initial evaluations this Notice must be provided within 30 days of the date of referral.
- **Written Consent**
  - Does not need to be obtained for initial evaluations that do not require additional testing.
  - Is needed prior to the administration of a test or other assessment instrument when conducting initial evaluations or reevaluations.
  - For reevaluations, the district may proceed with assessments 10 days after the district's second attempt to obtain consent and the parent failed to respond. *Failure to respond means there was NO response from the parent, not that the parent responded and refused to give consent.*

Outcome Options

- When additional testing is necessary and consent is received, implement the evaluation procedures specified in the Notice of Action.
- When no additional assessments are needed schedule a meeting for eligibility determination.

5. DETERMINE ELIGIBILITY

Purpose

- To determine whether the child has a disability, or continues to have a disability, based upon state eligibility criteria. For eligibility criteria refer to the State Plan and Documents G-1 through G-16 in the Standards and Indicators Manual.

Additional Information

- A group of qualified professionals, and the parents of the child make the eligibility determination.
- The evaluation staffing will be held within 45 days of receipt of parent consent to evaluate.
- The child may not be determined to be eligible for special education and related services if the determinant factor is
  - Lack of instruction in reading or math; or
  - Limited English Proficiency

Outcome

- The team determines that the child does have a disability.
- The team determines that the child does not have a disability and provides the parents with a Notice of Action – Ineligibility.

6. EVALUATION REPORT

Purpose

- To develop a current written summary of the evaluation results and eligibility staffing.

Additional Information

- Evaluation reports are required for all initial evaluations, and for any reevaluations where additional data was collected.
- The parents must be given a copy of the evaluation report within a reasonable period of time (generally 15-20 days) following the evaluation staffing.
- The evaluation report must address:
  - A synthesis of information from the evaluation
  - Relevant behavior noted during observation.
    - Required for the categories of learning disabilities, emotional disturbance, and autism.
    - Optional for all other categories of disabilities.
  - Description of any variations from standard assessment conditions
  - A statement of the existence and nature of the categorical disability(ies).
  - Basis for the determination of eligibility and need for special education and related services, or the continued need for special education and related services.
  - A statement that the disability is not a result of lack of instruction in reading or math, limited English proficiency, or other exclusions as applicable in the eligibility criteria.
  - Names and roles of the individuals making the eligibility determination.
- Additional components for learning disabilities:
  - Educationally relevant medical findings, if any.
  - Whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services.
  - The determination of the team concerning the effects of environmental, cultural, or economic disadvantage.
  - Each team member, except for the parent, certifies in writing whether the report reflects his/her conclusion and provides a dissenting statement, if applicable.

Outcome

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- The evaluation report is sufficiently comprehensive to develop a present level of performance and enable the IEP team to develop an appropriate educational program.

7. NOTIFICATION OF IEP MEETING

Purpose

- To ensure that parents are notified of and have the opportunity to participate in IEP meetings.

Additional Information

- Parent notification of the IEP meeting
  - May be given verbally or in writing
  - Must be provided early enough to ensure that the parent will have an opportunity to attend
- The District must make at least two attempts to assure parents participation before proceeding with the IEP meeting.
- Content of notification must include:
  - Time, date, location, and participants
  - All purposes of the meeting, including transition for students ages 14 and older
  - If the purpose of the meeting includes transition, the district must invite
    - The student
    - Representatives from any other agency likely to provide or pay for services upon graduation.
  - Parents are informed of their right and the district's right to invite other individuals who have knowledge and/or special expertise regarding the child and that the determination as to whether an individual has knowledge or special expertise is made by the parent or public agency who invited the individual to be a member of the IEP team.

Outcome

Parents are notified of the IEP meeting and have the opportunity to participate in the development of the IEP.

8. DEVELOP IEP

Purpose

- To ensure that a child with a disability is provided special education, related services and supports necessary to meet the child's special learning needs; to be involved in and progress in the general education curriculum; and, to be educated with nondisabled peers in the least restrictive environment.

Additional Information

- IEP Timelines
  - Initial IEPs must be developed within 30 days of the eligibility determination staffing.
  - IEPs must be reviewed at least annually and revised as necessary.
  - IEPs must be in effect at the beginning of each school year.
- IEP Team
  - Refer to the State Plan, Document B of the Standards and Indicators Manual, and the IDEA regulations for specific information concerning the IEP team.
- IEP Content
  - Refer to the State Plan, Document B of the Standards and Indicators Manual, and the IDEA regulations for specific information concerning IEP content.
- Parents must be provided with a copy of the IEP within a reasonable period of time following the meeting (generally 15-20 days).
- Parents are provided with Prior Written Notice for any change of services.

Outcome

An appropriate IEP is completed for each child with a disability.

9. DETERMINE PLACEMENT

Purpose

- To ensure that children with disabilities are educated to the maximum extent appropriate with children who do not have disabilities.

Additional Information

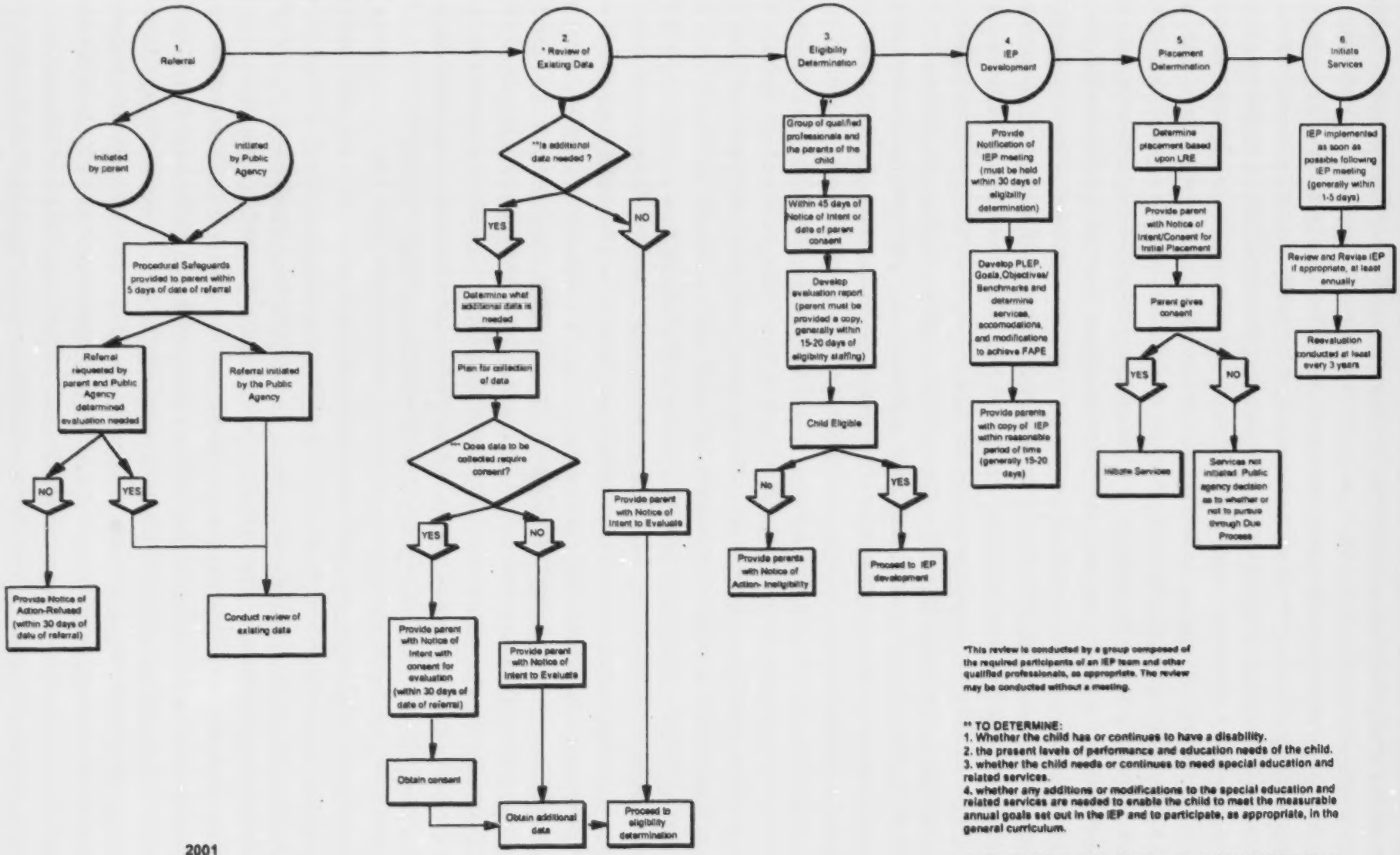
- For K-12, a continuum of alternative placements is available.
- For preschool children, a variety of placement options are available.
- Regular education with modifications must be considered for all children.
- The child's placement is
  - Determined at least annually.
  - Based upon the child's IEP.
  - As close as possible to the child's home.
- A child with a disability shall not be removed from education in an age-appropriate regular classroom solely because of needed modifications in the general curriculum.
- Prior Written Notices
  - Notice of Action for initial placement is provided to the parents.
  - Consent for initial placement is obtained prior to the implementation of the IEP.
  - Change of placement/services notices are provided as appropriate following IEP reviews.
  - Refer to Document A of the Standards and Indicators Manual for specific content of prior written notices.

Outcome

The child is placed in the least restrictive environment.

Special Education Process
Part B, Individuals with Disabilities Education Act (IDEA)

Source: Missouri Department of Elementary and Secondary Education, Special Education Compliance



*This review is conducted by a group composed of the required participants of an IEP team and other qualified professionals, as appropriate. The review may be conducted without a meeting.

** TO DETERMINE:
1. Whether the child has or continues to have a disability.
2. the present levels of performance and education needs of the child.
3. whether the child needs or continues to need special education and related services.
4. whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general curriculum.

*** The district is not required to obtain parental consent for teacher or related service provider observations, ongoing classroom evaluation, or the administration of or review of the results of adapted or modified assessments that are administered to all children in a class, grade, or school.

General Information for Use of this Manual

Codes and abbreviations used throughout manual:

300.:	Legal citations beginning with this number refer to 34 Code of Federal Regulations Part 300
AGENCY:	Responsible public agency (i.e., local school district, special school district, Charter School, State Board Operated Program, or other public agency)
DESE:	Department of Elementary and Secondary Education
DFS:	Department of Family Services
DMH:	Department of Mental Health
DOC:	Department of Corrections
DYS:	Division of Youth Services
ECSE:	Early Childhood Special Education
EDGAR:	Education Department General Administrative Regulations
FAPE:	Free appropriate public education
FERPA:	Family Educational Rights and Privacy Act
GEPA:	General Education Provision Act
IDEA:	Individuals with Disabilities Education Act
IEP:	Individualized Education Program
LRE:	Least Restrictive Environment
Part C:	The section of IDEA that provides for children with disabilities ages birth to three.
RSMo:	The Public School Laws of Missouri (Regulations of the State of Missouri)
SP( ):	The Missouri State Plan for Special Education and specific section number

Additional information regarding the manual's format:

Legal citations are found at the beginning of a section or throughout each document.

Each document has a three-column format.

1) The "Legal Requirements" column, on the left, states the requirement and cross-references each to the appropriate legal citation.

2) The "Indicators" column, in the center, provides an explanation for meeting the legal requirement. In some cases, additional clarification or examples are provided. The format for this section is as follows:
   a) Closed round and square bullets identify required components
   b) Open round bullets provide additional information to clarify the requirement

3) The "Data Sources" column provides examples for documentation of the required information. Information may not necessarily be found in all sources or limited to only those listed.

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SPECIAL EDUCATION COMPLIANCE STANDARDS

I. ADMINISTRATIVE REQUIREMENTS:

B. Procedural Safeguards

1. Individuals responsible for the provision of services to children with disabilities are informed of the procedural safeguard rights for parents and children.

E. Least Restrictive Environment

1. Regular and special educators collaborate at all levels to help children with disabilities receive appropriate services and progress in the general curriculum.

F. Secondary Transition

1. The district identifies and makes available a variety of appropriate community work opportunities for children with disabilities.

H. Child Find

1. The responsible public agency conducts public awareness activities as required.
2. Eligibility determinations result in the percentage of students with disabilities served being comparable to statewide data.

I. Personnel

1. Caseloads of special education and related service personnel are within State standards.
2. The district implements procedures as required for any reported ancillary personnel.
3. The district follows proper procedures for hiring, training, and reporting paraprofessionals.

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J. General Administration

1. The district implements proper procedures for students on whom reimbursement for Homebound instruction is requested.
2. The district conducts planning activities for the provision of services for private school students (includes private, parochial and homeschool students.
3. The district follows required procedures for inventory control, placement and use.
4. The public agency identifies and implements activities to support a comprehensive system of personnel development (CSPD) as required.
5. The public agency conducts a program evaluation as required.
6. The public agency implements confidentiality procedures as required.
7. The public agency follows all required procedures when using the Speech Implementer Model.
8. The public agency has written procedures and implements those procedures for the identification of children with disabilities in need of appointment of an educational surrogate.
9. The public agency implements required procedures for the appointment, termination, evaluation and recruitment of educational surrogates.
10. The public agency implements required procedures for students who transfer from another state or from another Missouri district.

II. PERFORMANCE REQUIREMENTS:

A. Suspension/Expulsion

1. Suspension and expulsion rates for children with disabilities decrease and are no higher than those of children without disabilities.

E. Least Restrictive Environment (LRE)

1. The percentage of children with disabilities served at each point of the placement continuum is comparable to statewide data.
2. The percentage of children with disabilities in each disability category, served at each point of the continuum, is comparable to statewide data.

F. Secondary Transition

1. Percentage of students with disabilities participating in post-secondary activities (e.g., employment, education, etc.) is comparable to students without disabilities.
2. High school completion rates for students with disabilities are comparable to that of students without disabilities.
3. The number of students with disabilities receiving college preparatory certificates increases.

G. Drop-outs

1. Dropout rates for children with disabilities decrease and are no higher than those of children without disabilities.

K. State and District-wide Assessment

1. The performance of children with disabilities on state and district-wide assessments improves.
    a. Percent of children with disabilities in grades 3 and 7 who are proficient readers increases.
    b. Percentage of children with disabilities in grades 3 and 7 who have the Missouri Assessment Program – Communication Arts (MAP-CA) read to them decreases.
    c. Percentage of children with disabilities scoring at the Proficient and Advanced achievement levels increases.
    d. Percentage of children with disabilities scoring at Step 1 and Progressing will decrease for each of the MAP subject areas.
2. Participation in general state assessments are comparable to statewide data.
3. Percentage participating in alternate assessments at each grade level is no greater than 1-2% of the student population at that grade level.
4. Children with disabilities participating in district-wide assessments are comparable to the percentage of students participating in general statewide assessments.
5. The performance level of children who receive special education services prior to age 5 increase on the School Entry Assessment.

III. PROCESS REQUIREMENTS

A. Suspension and Expulsion for Children with Disabilities

1. Children with disabilities receive FAPE during suspensions of 11 days or more, consecutive or cumulatively, in a school year, or with an expulsion.
2. Children with disabilities who are suspended or expelled receive services that address their identified needs.
3. Children with disabilities with identified behavioral needs receive positive behavioral supports consistent with an IEP.
4. Children with disabilities receive appropriate functional behavioral assessments and behavior plans, as appropriate.

B. Procedural Safeguards

1. Prior written notice is provided to parents and children, when appropriate, as required by state and federal regulations.
2. Copies of *Procedural Safeguards for Children and Parents* are provided to parents and children, when appropriate, as required by state and federal regulations.

C. Evaluation

1. Children with disabilities receive evaluations in all areas related to a suspected disability.
2. Children with disabilities receive timely evaluations, including children transitioning from Part C, if applicable.
3. Evaluations are appropriately administered, including evaluations for transitioning from Part C, if applicable.
4. Evaluation information addresses educational needs.
5. Evaluation information addresses progress in the general curriculum (or age-appropriate activities for preschool children).

6. Parents are afforded the opportunity to provide information that is used in the evaluations.
7. Eligibility criteria are applied appropriately for all initial evaluations.
8. Children with disabilities receive timely reevaluations.
9. Parents and children with disabilities are involved, when appropriate, in the evaluation, eligibility determination, IEP (including transition planning), and placement decisions.

D. Special Education and Related Services

1. The IEP reflects linkages among the evaluation information, the present levels of educational performance, goals and benchmarks/ objectives, modifications and accommodations, and services.
2. Special education and related services are provided in accordance with the child's identified needs.
3. Special education and related services are provided as specified by the child's IEP.
4. Children with disabilities receive the related services they need to enable them to benefit from special education.
5. The kind and amount of related services is determined by the IEP team based on individual needs rather than factors such as administrative convenience or availability of personnel.
6. Children with disabilities are provided supplementary aids and services to support success in regular education settings.
7. The IEP provides for involvement and progress in the general curriculum.
8. Special factors (e.g., behavior, limited English proficiency, Braille, communication needs, and assistive technology

services/devices) are taken into consideration when developing the IEP.

9. Assistive technology devices and services are available and utilized, as appropriate.

10. Special education and related services are provided in a timely manner.
11. Extended school year services (ESY), as determined needed by the IEP team, are provided regardless of category and severity of disability.

E. Least Restrictive Environment (LRE)

1. Placement options along the continuum are made available to the extent necessary to implement each child's IEP, including community-based options for preschool children.
2. Children with disabilities participate with nondisabled children in the full range of programs and services available in the district.
3. Related services are provided in a variety of settings, including the regular classroom, where appropriate.

F. Secondary Transition

1. Children with disabilities, beginning at age 14, have IEPs that focus on a course of study related to transition objectives.
2. Children age 14+ participate in meetings related to transition planning or activities.
3. Children with disabilities, beginning at age 16, have IEPs that coordinate instruction (including related services), community and employment experiences, adult living objectives, and linkages with other service providers or agencies as determined appropriate to meet the post secondary goals of the student.
4. The child's interests and preferences are identified and considered when addressing transition activities.
5. The district involves other agencies in transition planning, when appropriate.
6. Students with disabilities have access to appropriate supports and accommodations, in work and community experiences, post-secondary education and life skills development.
7. Students with disabilities have access to academic/vocational courses with appropriate supports and accommodations.

K. State and District-wide Assessments

1. Modification and accommodations for general state and district-wide assessments are provided, as determined appropriate on the IEP.

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Legal Requirement	Indicator	Documentation
100000 PUBLIC AWARENESS ACTIVITIES: 300.125; SP (II) (III)		
100100 Newspaper notice: (NA for Charter Schools)	• One (1) published newspaper notice, billing or paid receipt, which indicates the date of publication. • Notice is published on an annual basis prior to November 1.	Public notice; billing; or paid receipt.
100200 Radio or television announcement: (NA for Charter Schools)	• Dated notice or billing which indicates the date of airing is present. • Notice is aired on an annual basis prior to November 1.	Public notice; billing; or paid receipt
100300 Patron Notification:	• The agency notifies all parents of children with disabilities under the jurisdiction of the agency through general distribution of written literature once a year prior to November 1.	Flyers, student handbook, newsletters, etc.
100400 Posters/notices:	• The agency has placed posters/notices in all administrative offices.	Poster; public notice
100500 Content for each public awareness activity is present as follows (includes Indicators 100510 - 100560):		
100510 Child find responsibilities:	• Notice states the agency's responsibility to identify, locate and evaluate children with disabilities who are under the jurisdiction of the agency, regardless of the severity of the disability. This includes: ▪ Children attending private schools, ▪ Highly mobile children, such as migrant and homeless children, and ▪ Children who are suspected of having a disability and in need of special education even though they are advancing from grade to grade.	Public notice
100515 Intent to serve ALL disability categories:	• States the agency's assurance to serve all disability categories, either locally or through contractual arrangement. • All disability categories are listed. Notice describes agency's responsibility to refer infants and toddlers suspected of having a disability to Part C early intervention system (First Steps).	Public notice

Legal Requirement	Indicator	Documentation
100520 Intent to provide FAPE to all children with disabilities:	• States the agency's assurance to provide a free appropriate public education (FAPE) to all children with disabilities under the jurisdiction of the agency. • Indicates that children with disabilities are students, between the ages of 3 and 21 years, who have been evaluated and identified in accordance with 162.675(2)(3) RSMo and the Individuals with Disabilities Education Act (IDEA).	Public notice
100525 Notice provided in alternative language formats: 300.561(a)(i); FERPA 99.7(d); SP(II)	• Indicates the notice will be provided in alternative language formats.	Public notice
100530 Access rights of parents to personally identifiable information relating to their children: 300.562; FERPA 99.6(2); SP(II)	• The agency assures that personally identifiable information collected, used, or maintained by the agency for the purposes of identification, evaluation, placement or provision of FAPE of children may be inspected and/or reviewed by parents.	Public notice
100535 Parent's rights to request amendment of records: 300.567; FERPA 99.7 (a)(2); SP(II)	• States that parents may request amendment to educational records if the parent believes the record is inaccurate, misleading, or violates the privacy or other rights of their child.	Public notice
100540 Rights of parents to file complaints concerning alleged failures by the agency to meet the requirements of FERPA: 300.568; FERPA 99.7 (4); SP(II)	• Parent may register a complaint with the U.S. Department of Education or the Missouri Department of Elementary and Secondary Education (DESE) if they feel the agency is in violation of the Family Educational Rights and Privacy Act (FERPA).	Public notice
100545 Summary of the policies and procedures regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information: 300.561(a)(3); FERPA 99.7; SP(II)	• Availability (location) of the agency's policies and procedures regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information.	Public notice
100550 Assurance that services are provided in compliance with the General Education Provision Act (GEPA): 76.301 (4)(ii); Section 438 of the GEPA	• Availability (location) of the agency's assurances that services are provided in compliance with the requirement of GEPA.	Public notice

Legal Requirement	Indicator	Documentation
100555 Announcement of annual census: 300.125; 162.695 (1) RSMo; SP (II)	• Public is informed of the agency's intent to conduct a census of all children with disabilities, birth to 21, under the jurisdiction of the agency. • Intent to locate, identify, and evaluate all private school children with disabilities.	Public notice
100560 Information collected through annual census: 300.125; 162.695 (1) RSMo; SP (III)	Indicates the agency's intent to collect each of the following: • Name of the child • Parent name and address • Birth date and age of the child • Child's disability • Services provided to the child with a disability	Public notice
100600 EDUCATIONAL SURROGATE APPOINTMENT PROCEDURES **300.515; 162.998 RSMo; SP(V)**		
100700 Agency has written procedures:	The agency's Compliance Plan includes: • Procedures to determine when a student is in need of a surrogate appointment. • Procedures to submit *Determination of Need* forms. • Procedures to notify DESE, Division of Special Education, of changes in surrogate appointment and/or student's status. • Description of intent to recruit and assist with training of educational surrogates. • Identification of a contact person, if other than administrator of agency's special education program.	Agency Compliance Plan
100800 Determine need for educational surrogate:	• The agency implements procedures to determine whether or not a student has need of an educational surrogate.	Agency records; student files

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100900
Upon agency determination/notification of suspected need, the agency investigates and determines the need for surrogate appointment:
 	
(NA if agency has no identified need for educational surrogate appointments)
	• Documentation is present that within thirty (30) days the agency investigated the need for an educational surrogate appointment for any children with disabilities suspected of needing special education services upon:
	  • Enrollment.
	  • Referral for special education evaluation.
	  • Notification that the child has no identified parent, guardian, or person acting as a parent.
		Agency records; student files

101000 Submit *Determination of Need for Educational Surrogate Appointment*: (NA if agency has no identified need for educational surrogate appointments)	• Request for educational surrogate appointment was submitted to DESE, Division of Special Education, within ten (10) days of the determination of need. • A copy of the DESE signed/approved *Determination of Need for Educational Surrogate Appointment* form and surrogate appointment letter is maintained in the student's file.	Agency records; student files
101100 Change in child's need for an educational surrogate: (NA if agency has no identified need for educational surrogate appointments)	• Documentation is present that DESE was notified of the need for a change in the child's educational surrogate status within thirty (30) days of child's change in status.	Agency records; student files
101200 Change in the specific educational surrogate appointment: (NA if agency has no identified need for educational surrogate appointments)	• Documentation is present that DESE was notified of any changes that are needed for the surrogate appointment within thirty (30) days of the agency's awareness of the needed change (i.e., surrogate resignation, conflict of interest, etc.).	Agency records; student files
101300 Annual surrogate evaluation(s): (NA if agency has no identified need for educational surrogate appointments)	• Documentation is present that annual evaluations for educational surrogates are completed and submitted to DESE, Division of Special Education, by July 1 of each year **OR** • Prior to a recommendation for termination of the surrogate's appointment.	Agency records; student files

101400 Evidence of recruiting efforts for educational surrogate: (NA if agency has no identified need for educational surrogate appointments)	• Documentation is present of agency's efforts for recruiting individuals to serve as educational surrogates.	Agency records; student files
101500 OTHER ADMINISTRATIVE ITEMS		
101600 Confidentiality training: 300.572 (c); SP (II)	• Written verification of confidentiality training for ALL persons collecting or using personally identifiable data is present. Training is provided for all staff and subsequently for new hires. NOTE: Documentation may include dates of training, content agenda, and a list of participants.	Agency records
101700 Positions of employees having access to personally identifiable data: 300.572 (d); SP (II)	• A listing of positions of current employees having access to personally identifiable data is posted at student file location(s) or other central location(s).	Posted listing; agency files
101800 Comprehensive System of Personnel Development (CSPD) activities have been implemented: 300.380; SP (VII)	CSPD plan is based upon a needs assessment in the following areas: • Number of qualified personnel available to serve all students with disabilities • Appropriate in-service training of staff • Required training for paraprofessionals • Dissemination of relevant research, instructional strategies, and adoption of effective practices CSPD activities are: • Coordinated, as appropriate, with the public agency's Professional Development Committee and Comprehensive School Improvement Plan. • CSPD records substantiate implementation of activities.	Agency records
101900 Paraprofessional credentials: SP (VI)	Each agency paraprofessional meets the following requirement: • A high school graduate or holds a general education diploma (GED).	Agency records; personnel files

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102000 Paraprofessional training: SP (VI)	Verification of orientation training necessary for each paraprofessional to perform duties as assigned is present. Paraprofessionals who do not hold teaching certificates are required to have received initial orientation plus fifteen (15) clock hours of training during their first school year of employment. A minimum of ten (10) clock hours each year thereafter is also required. Verification includes: • Orientation (dates, content agenda, and participants). • Training (dates, content agenda, number of clock hours, and participants). • Clock hours of training provided.	Agency records; personnel files
102100 Program evaluation results: SP (VII)	• Results from the agency's annual evaluation of its special education program are documented. • The evaluation, at a minimum, addresses the agency's performance on each of the State's performance goals for children with a disability. (For State Performance Goals see *Missouri State Plan for Special Education*)	Program evaluation; agency records
102200 Inventory control, placement, and use: SP (IX)	• An inventory of items costing in excess of $1000 that were purchased with federal funds is completed at least once every two (2) years. • Documentation indicates that these items are restricted to use with identified children with disabilities. Inventory records include the following: • Description of the equipment (including model number, if any) • Serial number • Identification of the grant under which the recipient acquired the equipment • Information needed to calculate federal share of equipment • Acquisition date and unit cost • Location, use and condition of the equipment, and date information was reported • Pertinent information on transfer, replacement, or disposition of the equipment	Agency records; inventory listing

102300 Private school program planning: 300.401; SP (VII) (VIII)	Documentation addresses the agency's timely and meaningful consultation with appropriate representatives of parentally placed private school children with disabilities to address the following: • How child find activities will be implemented • Which private school children with disabilities will receive services • What services will be provided • How and where the services will be provided, including time and location of the services provided • How the services provided will be evaluated NOTE (1): In Missouri, home-schooled children are included in this population. NOTE (2): Appropriate representatives may include parents, private school administrators, teachers, and/or principals. NOTE: (3): The LEA shall make the final decisions with respect to the services to be provided to eligible private school children. NOTE (4): Missouri Constitution and case law prohibit the provision of services, equipment, materials, or personnel on the premises of a private school.	Meeting notes; phone log; correspondence
102400 CONTRACTUAL SERVICES 300.402; SP(VIII)		
102500 Public agency contracts for a child's services through a private agency:	• Contractual services are arranged with only private agencies approved by the State Board of Education.	Student files
102600 STATE BOARD OPERATED PROGRAM—MISSOURI SCHOOL FOR THE BLIND (MSB) SP(XI)		
102700 (102710 – 102720) The following items are present:	The public agency maintains the following: • A current evaluation report • The current IEP	Student files
102800 STATE BOARD OPERATED PROGRAM—MISSOURI SCHOOL FOR THE DEAF (MSD) SP(XI)		

102900 (102910 – 102920) The following items are present:	The public agency maintains the following: • A current evaluation report • The current IEP	Student files
103000 STATE BOARD OPERATED PROGRAM—STATE SCHOOLS FOR THE SEVERELY HANDICAPPED (SSSH) SP(XI)		
103100 (103110-103120) The following items are present:	The public agency maintains the following: • A current evaluation report • The current IEP	Student files
103200 DESTRUCTION OF RECORDS 300.573; SP (II)		
103300 Notification of Destruction of Records provided prior to destruction of records:	• Parent is provided notification prior to the destruction of records.	Notification
103400 (103410 –103440) Notification includes:	The Notification of Destruction of Records includes the following: • Records to be destroyed specifically listed by category (IEPs, test protocols, etc.) • Statement that indicates the reason for destruction • Proposed date (m/d/y) of record destruction. • Statement that records are maintained for a minimum of three (3) years from the date the child no longer received special education and related services. NOTE (1): A permanent record containing the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be retained without time limitation. NOTE (2): Refer to individual agency policies for additional information pertaining to this issue.	
103500 RELEASE OF INFORMATION 300.571; SP (II)		

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103600 Consent for Release of Information is present:	• Consent for Release of Information was obtained prior to release of records. The following are some applicable exceptions to the consent requirement specified in FERPA: o School officials, o Schools in which a child seeks or intends to enroll, o Federal, state, and local authorities involved in an audit, evaluation, or monitoring for compliance with education programs, and o Investigations in connection with financial aid, such as a college loan. NOTE: For a complete listing of exceptions, see 34 CFR 99 FERPA Regulations.	Release form; student files
103700 (103710 – 103740) Content of the Release of Information:	The Release of Information contains the following content: • A dated signature of parent or eligible student (Date represents date permission given for release of information.) • Specific records to be disclosed • A statement describing reason(s) for disclosure • Individual(s) or agency(ies) to which disclosure is to be made	Release form; student files
103800 TRANSFER OF RIGHTS 300.517(a)(3); SP (V)		
103900 Notification of the transfer of parental rights at age of majority:	• Upon the child's 18th birthday, the child and the parents are notified of the transfer of rights.	Student files
104000 PRIOR WRITTEN NOTICE 300.503; SP (V)		

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104100 Notice is provided prior to initiation of an action:	Written notice is given to the parents of a child with a disability prior to initiating, refusing to initiate, or changing the following: • Identification • Evaluation • Placement • Provision of FAPE	Prior written notice of an action
104200 Content of notice is present as follows (Indicators 104210 - 104280):		
104210 Description and explanation of action:	The notice includes: • Description of the action being taken. • Explanation of agency's position and why the action is proposed or refused.	Notice
104220 Options considered and why rejected:	• Specific other option(s) considered prior to decision to propose or refuse the action. • Why each listed was rejected.	Notice
104230 Information used as a basis for the action:	• A listing of each evaluation procedure, test, record, or report used as a basis for the action.	Notice
104240 Other relevant factors to the action:	• A description of any information not previously addressed that affects the action **OR** • A statement that no other relevant factors are present.	Notice
104250 Procedural safeguards statement:	Documentation is present that a copy of the current *Procedural Safeguards for Children and Parents* statement was provided to the parent at the following times: • Initial referral for evaluation • Each notification of IEP meeting • Reevaluation, with additional assessments NOTE: Content of each agency's procedural safeguards statement is approved by DESE through the compliance plan review/approval process.	Notice
	OR	

104260 - 104280 Additional information regarding procedural safeguards: (NA if a copy of the *Procedural Safeguards for Children and Parents* Statement is provided with the notice)	Prior written notice provided for actions other than those listed in Indicator 104250 above must contain the following: • A statement that the parent has protection under procedural safeguards • How to obtain a copy of procedural safeguards • Sources for parent to contact to understand the provisions	Notice
104300 INDEPENDENT EDUCATIONAL EVALUATION (IEE) 300.502; SP (V)		
104400 Information provided to parent regarding policies for independent education evaluation (IEE):	• Upon request for an IEE, documentation is present that the public agency provided the parent information (or a listing) about where an independent educational evaluation may be obtained and the agency criteria applicable for independent educational evaluations.	Agency records; student file
104500 Provided at public expense:	• The IEE is provided at public expense consistent with provisions listed in the agency's policies.	Agency records; student file
104600 Results considered by the agency:	• The agency documentes consideration of the IEE results.	Agency records; student file
104700 CORE DATA PROGRAM REPORTING SP (IX)		
104800 Personnel assigned to Special Education less than full time: (NA full time positions.)	For ancillary personnel assigned less than full time to special education activities documentation is present that: • Time/effort logs are maintained. • Logs correspond to core data reporting.	Core data report; agency files; time/effort logs
104900 Teachers:	Teacher case loads: • Meet state standards or documentation present of state approved exception(s). • Correspond to core data reporting.	Core data report; caseload worksheet

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105000 Paraprofessional(s):	• Paraprofessional assignments correspond to core data report.	Core data report; agency files

105100 HOMEBOUND PROCEDURE
RSMo 162.975

105200 Homebound application must be on file in the agency:	• Agency maintains a file with current applications for children on whom they are requesting reimbursement for homebound instruction. NOTE: Applications must be maintained on file for a period of not less than five (5) years.	Homebound applications
105300 Application form must document all appropriate information:	Application form must document: • A medical or psychological diagnosis and intervention given by an appropriate professional. A psychiatrist or licensed psychologist must provide a brief statement of the psychological treatment being given. When a student is hospitalized for an emotional disorder, stating the name of the hospital is sufficient; however, when a student is not hospitalized and receiving outpatient treatment, the treatment plan must be specified (typically, once a week). **AND** • Signature of a licensed physician (M.D. or D.O.) or in the case of a normal pregnancy only, a licensed nurse practitioner. **OR** • In the case of emotional disorders, the signature of a medical doctor specializing in psychiatry or a licensed psychologist. **AND** • The name of the teacher assigned to conduct the instruction. NOTE (1): Approval for pregnancy is typically made for six (6) weeks prior to and/or six (6) weeks following delivery. Applications are not approvable for post delivery illness of the baby. NOTE (2): A licensed psychiatrist or licensed psychologist must provide a brief statement of the psychological treatment being given.	Homebound applications

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105400 Exceptions submitted to DESE for approval:	Agency will submit applications for special education students for: • Homebound for the purpose of reevaluation. • Homebound during long-term suspension or expulsion. • Homebound for a special education student that will extend beyond nine (9) weeks. NOTE: For long-term suspension/expulsion, the agency will be required to send a copy of the Notice of Change of Placement, documentation that the IEP team met and determined unrelatedness to the disability, and that a copy of the *Procedural Safeguards for Children and Parents* was provided to the parent.	Homebound applications; approval letter

Legal Requirement	Indicators	Documentation
100000 Access sheet is present: 300.563; FERPA 99.32(a),(1,2); SP(II)	Access sheet includes the following: • Name(s) of person(s) accessing file • Date(s) file was reviewed • Purpose(s) of review(s) NOTE: FERPA regulations do not require authorized school staff who access the student's file to sign.	Access sheet
100100 REFERRAL PROCESS		
100200 (100210-100250) Referral is present for an initial evaluation or a reevaluation at parent request: (NA required triennial reevaluation) SP(III)	Documentation of initial referral for evaluation is present and includes: • Name and role of individual(s) making the referral. • Reason(s) for the referral and description of concern(s) which address: ▪ Information that describes why the child is suspected of having a disability and in need of evaluation. • A statement describing the learning experiences the child has received, especially in reading and math. • A statement that limited English proficiency is not the primary reason for the referral. • Date of referral (m/d/y). NOTE (1): While a parent referral for evaluation may not address the child's learning experiences or English proficiency, it is expected that the agency staff reviewing the parental request will consider each item, as appropriate. NOTE (2): Date of referral represents: o **Agency referrals**: The date on which the agency made the decision that an evaluation is warranted. NOTE: It is expected that the agency will have procedures in place that result in a decision about the evaluation in no more than 30 calendar days. o **Parent referral** (for initial or reevaluation other than required triennial reevaluation): The date of the referral is the date a member of the agency's certificated staff receives a request from the parent (either verbal or written).	Referral form; parent request

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Legal Requirement	Indicators	Documentation
	NOTE (1): A agency may require that the parent put a verbal request in writing, but that may not serve to delay the evaluation process. NOTE (2): After parent referral, the agency must determine, in a timely manner but not more than 30 calendar days from the date of the request, if there is a reason to suspect a disability or a need for reevaluation. If there is no reason to suspect a disability, or a need for reevaluation, the agency provides the parents with a Notice of Action refusing the requested evaluation. (For content of Prior Written Notice, see Indicators 106500 - 107100 in Document A.) o **Referrals for children receiving services in the First Steps System**: While these referrals are considered parent referrals for an evaluation, it is possible that the agency will first learn about the child through the First Steps System. If the invitation to attend the First Steps transition meeting conducted by the First Steps System is the first indication the agency has received that the parent is interested in referring their child for evaluation, then the date of that transition meeting is considered the date of referral. This transition meeting generally occurs when the child reaches an age of 2 years, 6 months. If the parent makes the initial contact with the agency, then the date of the referral will be the date that a member of the agency's certificated staff received a request for an evaluation from the child's parent. NOTE: For referrals from First Steps received more than 105 days before the child's 3rd birthday, the 30, 45, 30-day timeline associated with the evaluation process is not applicable. The requirement for the agency is that an IEP be in place by the child's third birthday. **** For further information concerning First Steps transition requirements, see the Missouri State Plan for Special Education, Section IV.	
100300 Full explanation of all procedural safeguards: 300.504; SP(V)	A copy of the procedural safeguards statement is given to the parent at the time of initial referral for evaluation. • The provision of procedural safeguards notice is provided within 5 days of the referral. NOTE: Content of each agency's procedural safeguards statement is approved by DESE in the Compliance Plan review/approval process.	Referral form; contact log

100400 INITIAL EVALUATION/ELIGIBILITY DETERMINATION

100500 (100510-100530) Existing evaluation data on the child is reviewed: 300.344(a)(1 - 7), 300.533(a)(1)(2)(b); SP(III)	A group of individuals meeting the requirements of an IEP Team and other qualified professionals, as appropriate, reviewed all relevant existing evaluation data on the child. The information reviewed should include: o Previous evaluations (if available). o Information provided by the parents of the child. o Performance on current classroom-based assessments and observations. o Performance on State and agency-wide assessments. o Observations by teachers. o Observations by related services providers, if available and applicable. Documentation of the review includes: • A description of all data reviewed. • The date conclusions and decisions are finalized. • The names and role(s) of each individual conducting the review. If an individual is serving in more than one (1) role, all parties must be aware of each role and each role must be documented. NOTE: This review may be conducted without a meeting.	Meeting notes; review notes; summary of data
100600 (100610-100620) Identify what additional data, if any, are needed: 300.533(a)(2)(i),(ii),(iii); SP(III)	• Documentation is present that on the basis of the review of existing evaluation data, and input from the child's parent, the team made a determination of what additional data, if any, is needed to determine: ▪ Whether the child has a particular category of disability (see Documents G1 through G15). ▪ The present levels of performance and educational need. ▪ Whether the child needs special education and related services, supplementary aids and services, and/or modifications to enable the child to participate, as appropriate, in the general curriculum. • The conclusions and decisions resulting from the review must be documented.	Meeting notes

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100700 Written Notice, **no** additional data needed, **no** consent required: 300.503(a)(1)(i); SP(V)	If it is determined that no additional data is necessary as part of the initial evaluation, written notice is provided to the parent after the review of existing data and prior to an eligibility determination. • Date of Notice (m/d/y) is not more than thirty (30) calendar days from date of the referral. • Date of Notice (m/d/y) is prior to eligibility determination. NOTE: For content of Prior Written Notice, see Document A, Indicators 106500 - 107100.	Notice of Action
	OR	
100800 Written Notice, additional data needed, **no** consent required: 300.503(a)(1); SP (V)	Agencys are not required to obtain parental consent when collecting data through one of the following methods: o Teacher and related service provider observations o Ongoing classroom evaluation o Administration of or review of the results of adapted or modified assessments that are administered to all children in a class, grade, or school If it is determined that additional data is necessary and that data will be collected through one of the above methods, written notice is provided to the parent after the review of existing data and prior to an eligibility determination. • Date of Notice (m/d/y) is not more than thirty 30 calendar days from date of agency referral or parent request to evaluate. • Date of Notice (m/d/y) is prior to eligibility determination. NOTE: For content of Prior Written Notice, see Document A, Indicators 106500 - 107100.	Notice of Action
	OR	

100900 Written Notice, consent required: 300.503(a)(1), 300.505(a)(1)(i); SP(V)	If it is determined that additional data is necessary and that data will be collected by conducting a test or administering any assessment instrument(s), a written notice is provided and written parental consent is obtained. • Date of the Notice (m/d/y) is not more than 30 calendar days from date of referral. • Consent is obtained prior to administration of any tests or assessment instruments. • Parent signature and date (m/d/y): o Indicates parent has been fully informed in her/his native language or other mode of communication for all activities for which consent is sought. o Grants consent for the proposed initial evaluation.	Notice of Action
101000 Content of Notice, when additional data is collected (Indicators 101010-101080): 300.503(b)(1-7); SP(V)		
101010 Description and explanation of action proposed:	• Explanation of action and reason why action is proposed.	Notice of Action
101020 Area(s) to be evaluated and tests/assessments to be used: 300.505(a)(1)(i)	• Name(s) and description(s) of area(s) of functioning to be assessed. • Names(s) of test(s)/assessment(s) to be used, if known.	Notice of Action
101030 Description of option(s) considered and reason(s) for rejection of option(s) not selected:	• Statement of option(s) considered. • Statement of reason(s) why any of the option(s) considered was/were rejected.	Notice of Action
101040 Description of each procedure, test, record, or report used as a basis for the action proposed:	• Documentation includes a listing of each procedure, test, record, or report used as a basis for the action proposed.	Notice of Action
101050 Description of any other relevant factors to the proposed action:	Description includes: • Any information not previously addressed regarding child's educational need(s) that affect(s) the agency's decision concerning evaluation. **OR** • If there are no other relevant factors, this is stated in the notice.	Notice of Action
101060 Statement of protection for parents and children under procedural safeguards:	• A statement indicating that the parent of a child with a disability has protection under procedural safeguards. NOTE: This statement on the notice is not necessary if a copy of the *Procedural Safeguards for Children and Parents* statement is provided with the notice.	Notice of Action

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101070 Means to obtain a copy of *Procedural Safeguards for Children and Parents* statement: (NA if a copy of *Procedural Safeguards for Children and Parents* statement is provided)	• A statement indicating how the parent can obtain a copy of the *Procedural Safeguards for Children and Parents*. NOTE: The statement may include the name and telephone number of the local education agency contact person/Director of Special Education. In addition, a contact number for the Division of Special Education at the Missouri Department of Elementary and Secondary Education may be included on the Notice.	Notice of Action
101080 Sources to obtain assistance in understanding Procedural Safeguards: (NA if a copy of Procedural Safeguards is provided)	• Sources for the parent to contact to obtain assistance in understanding the Procedural Safeguards are provided on the Notice. NOTE: The examples from the Note in Indicator 101700 above can also apply for this requirement.	Notice of Action
101100 Parent is notified of the eligibility staffing: 300.534(a)(1), 300.345(a)(1), 300.345(d); SP(III)	Documentation that the parent was notified of the eligibility staffing is in the child's file. • The parent is notified early enough to ensure an opportunity to participate. NOTE: For additional information regarding notification for meetings, see *Parent Participation in Meetings* in the Appendices of this manual.	Notification; contact log
101200 (101210-101250) Notification (verbal or written) includes: 300.344(a)(6)(c), 300.345(b)(1); SP(III)	The parent in notified of the following information: • The purpose of the meeting is to review evaluation information to determine whether the child is a child with a disability as defined by Missouri eligibility criteria. • The time, date and location of the meeting. • A listing of individuals invited to attend the meeting. Individuals attending the meeting are listed by their name and/or role(s) at the meeting. **AND** • The parent's and the agency's right to invite other individuals who have knowledge or special expertise regarding the child and that the inviting party makes the determination of whether or not the individual has knowledge or special expertise.	Notification; contact log

101300 Eligibility staffing held within required timelines: SP(III)	The eligibility staffing is held: • Within forty-five (45) calendar days of the date of the Notice to Evaluate, if no consent required. **OR** • Where parental consent is required, within forty-five (45) calendar days of parent's signed consent. • If the evaluation process exceeds 45 days, an explanation for the extension is documented (e.g., snow days, agency vacation days, child's absence because of illness).	Notification; evaluation report
101400 An evaluation report is present: 300.534(a)(2); SP(III)	A current written summary of the evaluation results and eligibility determination is present in the child's file. • An evaluation report is required for all initial evaluations and for any reevaluations where additional data was collected. The content of the report is the same in both cases.	Evaluation report
101500 Parent is provided a copy of the evaluation report: 300.534(a)(2); SP(III)	• Documentation is required that a copy of the evaluation results and eligibility determination was provided to the parent. NOTE: This copy must be provided to the parent within a reasonable period of time (generally within 15-20 days) after the meeting. This time may vary on a case-by-case basis.	Evaluation report; contact log
101600 Content of the evaluation report is present as follows (Indicators 102500 - 103700):		

101700
A synthesis of information from the evaluation is present:
 	
300.532(g)(h); SP(III)
	• The evaluation report addresses the results of all assessed areas related to the suspected disability. This should include, if appropriate, any or all of the following areas:
	  • Health
	  • Vision
	  • Hearing
	  • Social and emotional status
	  • General intelligence
	  • Academic performance (including results of state and agency-wide assessments)
	  • Communicative status
	  • Motor abilities
	• The evaluation information is sufficiently comprehensive to identify all of the child's special education and related services needs.
		Evaluation report

101800 Relevant behavior noted during observation: (Autism, Emotional Disturbance and Specific Learning Disability - NA for all other categorical disabilities) 300.543(a)(3); SP(III)	• Documentation of the required observation conducted during the evaluation process includes all required components as addressed in the eligibility criteria for Autism, Emotional Disturbance, and Specific Learning Disability. (Refer to Documents G-1, G-3 , and G-9) NOTE (1): Observations made by an examiner during the testing process do <u>not</u> fulfill the requirement of this standard. NOTE (2): Observation may be part of the evaluation process for any other categorical disability, if determined necessary and appropriate. NOTE (3): Observation, if needed as part of a reevaluation, may be completed in the special education setting and/or, when appropriate, in the regular education setting.	Evaluation report
101900 Description of any variations from standard assessment conditions: 300.532(C)(2); SP(III)	• If an assessment is not conducted under standard conditions, a description of the extent to which it varied from the standard conditions is included in the evaluation report. NOTE: These variations may include the qualifications of the person administering the test or the method of test administration.	Evaluation report
102000 Statement of the existence and nature of the categorical disability(ies): 300.533(a)(2)(i); SP(III)	• The report contains a statement of the categorical disability(ies) and identifies specific conditions or areas within the category(ies) (e.g., LD in written expression, Mental Retardation, Speech Impaired – Voice).	Evaluation report
102100 **For Initial Eligibility**: Basis for the determination of eligibility and need for special education and related services for initial evaluation: (NA reevaluation) 300.534(a)(1), 300.541, 300.543(a)(1)(2); SP(III)	• Each item is addressed as outlined for a categorical eligibility (see Documents G 1-15) with appropriate documentation to confirm the presence of disability(ies) and need for special education and related services.	Evaluation report
	OR	
102200 **For Continuing Eligibility**: Basis for the determination of continued eligibility and need for special education and related services for reevaluation: (NA initial evaluation) 300.533(a)(2)(i)(iii); SP(III)	• The evaluation report confirms the continued existence of a disability(ies) and the child's continued need for special education and related services. NOTE: For additional information regarding reevaluation procedures, see Indicators 103100 – 104200, Document B.	Evaluation report

102300 A statement that the disability is not a result of lack of instruction in reading or math, or limited English proficiency: 300.534(b)(1); SP(III)	The evaluation report reflects that the child's eligibility determination was not based on any of the following factors: • A lack of instruction in reading • A lack of instruction in math • Limited English proficiency	Evaluation report
102400 (102410-102430) Names and roles of the individuals making the eligibility determination. 300.534(a)(1), 300.540; SP(III)	Eligibility determinations are made by a group of qualified professionals and the parent or the child. The evaluation report documents: • The names and roles of the individuals attending the eligibility determination meeting. For Specific Learning Disabilities, the eligibility determination team must include: • The child's regular education teacher. **OR** • If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of her/his age. **OR** • For a child of less than school age, an individual qualified to teach a child of her/his age. **AND** • At least one person qualified to conduct individual diagnostic examinations of children.	Evaluation report

102500 Additional Content requirements for evaluation report addressing Specific Learning Disability (LD) is present as follows (Indicators 102600 - 102900):

For further information regarding eligibility criteria related to a Specific Learning Disability, see Document G-9.

300.541, 300.542, 300.543; SP(III)

102600 Educationally relevant medical findings: 300.543(a)(5) (NA for all disability categories other than LD)	• A statement describing any educationally relevant medical findings. **OR** • If there are no relevant medical findings, this must be stated in the evaluation report. NOTE: This may be included with health information.	Evaluation report
102700 Report reflects conclusion(s) of team: 300.543(b) (NA for all disability categories other than LD)	• Each team member must certify in writing whether the report reflects her/his conclusion(s). NOTE: This requirement is **not applicable** for the parent(s) of the child.	Evaluation report

102800 Dissenting statement: 300.543(b) (NA for all disability categories other than LD or if there are no dissenting statements)	If the report does not reflect the team member's agreement with regard to the learning disability: • A separate statement presenting her/his conclusion is present. NOTE: This requirement is **not applicable** for the parent(s) of the child.	Evaluation report
102900 (102910-102940) Learning disabilities not primarily a result of specific factors: 300.541(b) (NA for all disability categories other than LD)	The evaluation report documents that the learning disability is not primarily the result of: • Visual or auditory acuity deficits or motor deficits. • Mental Retardation. • Emotional Disturbance. • Environmental or economic disadvantages, or cultural differences.	Evaluation report

103000 REEVALUATION/CONTINUED ELIGIBILITY AND NEED FOR SERVICES

103100 (103110-103130) Existing evaluation data on the child is reviewed: 300.344(a)(1-7),300.533(a)(1)(2)(b); SP(III)	Documentation is present that a group of individuals meeting the requirements of an IEP Team and other qualified professionals, as appropriate, reviewed all relevant existing evaluation data on the child. The information reviewed should include: o The current IEP. o Previous evaluations (if available). o Information provided by the parents of the child. o Current classroom-based assessments and observations. o State and agency-wide assessments. o Observations by teachers. o Related services providers, if applicable. Documentation of the review includes: • A description of all data reviewed. • The date conclusions and decisions are finalized. • The names of the individuals conducting the review. If an individual is serving in more than one (1) role, all parties must be aware of each role and each role must be documented. NOTE: This review may be conducted without a meeting.	Meeting notes; review notes; summary of data

103200 (103210 – 103220)
Identify what additional data, if any, are needed:
 	
300.533(a)(2): SP(III)
	• Documentation is present that on the basis of the review of existing evaluation data, and input from the child's parent, the IEP team made a determination of what additional data, if any, are needed to determine:
	  • Whether the child continues to have the disability identified at the initial or most recent reevaluation. It is not required that the child meet initial eligibility criteria as outlined in the Document G Series of this manual, however; the team must determine that the child continues to show evidence of the disability indicated in the initial or most recent reevaluation. *
	  • The present levels of performance and educational need.
	  • Whether the child continues to need special education and related services.
	  • Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum.
	• The conclusions and decisions resulting from the review are documented.
	
	NOTE *: If the team determines that a change in the identification may be needed (including a determination that the child is no longer eligible for services under IDEA,) then requirements for an initial evaluation are implemented beginning at Indicator 101900 Document B.
		Meeting notes

103300 (103310-103320) If no additional data are needed, notify the child's parent of the decision: 300.533(2)(d): SP(III)	Documentation indicates that the team determined that no additional data are needed. • The parent was notified, either verbally or in writing, of this determination. • The notification included the reason for the decision. • The parent's right to request additional assessments to determine whether the child continues to be a child with a disability. NOTE: If the parent requests additional assessments for reasons other than continued eligibility (e.g., additional disability identification, updated test results, etc.), the agency would consider the request a parent request for reevaluation and provide appropriate Notice of Action.	Meeting notes

OR

103400 Written Notice, consent required: 300.503(a)(1)(i),300.505(a)(1)(i); SP(V)	If it is determined that additional data is necessary and that data will be collected by conducting a test or administering any assessment instrument(s), a written notice is provided and written parental consent is obtained. • Date of the Notice (m/d/y) is not more than 30 calendar days from documented date of review of existing data. • Consent is obtained prior to administration of any test(s) or assessment instruments. • Parent signature and date:(m/d/y): o Indicates parent has been fully informed in her/his native language or other mode of communication for all activities for which consent is sought. o Grants consent for the proposed reevaluation. NOTE (1): For a description of content of Prior Written Notice, refer to Indicators 101000-101080, Document B. NOTE (2): A copy of the procedural safeguards statement must be provided with this Notice. (See Document A, Indicator 104250)	Notice of Action
	OR	
103500 Attempts to obtain parental consent are documented: 300.505(3)(c), 300.345(d); SP(V)	• If the parent fails to respond, documentation of two (2) attempts to obtain parental consent is present. NOTE (1): At a minimum, a second Written Notices for Reevaluation must be **mailed** to the parents. NOTE (2): The agency may proceed with assessments 10 days after the agency's second attempt to obtain consent and the agency did not receive a response. A parent's refusal to give consent is not considered a failure to respond. Failure to respond means there was NO response from the parent.	Contact log; Notice of Action
103600 Parent is notified of the eligibility staffing when additional data was collected: 300.534(a)(1), 300.345(a)(1), 300.345(d); SP(III)	Documentation that the parent was notified of the eligibility staffing is in the child's file. • The parent is notified early enough to ensure an opportunity to participate. NOTE (1): For additional information regarding parent notification of a meeting, see *Parent Participation in Meetings* in the Appendices of this manual.	Notification ; contact log

103700 (103710-103730) Notification (verbally or written) includes: 300.344(a)(6),(c),300.345(b)(1); SP(III)	The parent in notified of the following information: • The purpose of the meeting is to review evaluation information to determine whether the child continues to be a child with a disability. • The time, date and location of the meeting. • A listing of individuals invited to attend the meeting. Individuals attending the meeting are listed by their name and/or role(s) at the meeting. **AND** • The parent's and agency's right to invite other individuals who have knowledge or special expertise regarding the child and that the inviting party makes the determination of whether or not the individual has knowledge or special expertise.	Notification : contact log
103900 Eligibility staffing held within required timelines: SP(III)	The eligibility staffing is held: • <u>If parental consent is required</u>, within forty-five (45) calendar days of the parent's signed consent for reevaluation. **OR** • <u>If no parental consent is required</u>, within forty-five days (45) of the date of the decision to collect additional data. **OR** • <u>If the parent fails to respond</u>, within fifty-five (55) calendar days after the second attempt to obtain consent. • If the evaluation process exceeds 45/55 days, an explanation for extension must be documented (e.g., school breaks for inclement weather, holidays or summer vacation, child's absence).	Notice of Action; evaluation report
104000 An evaluation report is present when additional data was collected: 300.534(a)(2); SP(III)	• A current evaluation report is present in the child's file, when additional data was collected. NOTE: For content of the evaluation report, see Indicators 101600 – 102900, Document B.	Evaluation report
104100 Parent is provided a copy of the evaluation report: (NA if no assessments required) 300.534(a)(2); SP(III)	• Documentation is present that a copy of the evaluation results and eligibility determination, is provided to the parent. NOTE: This copy must be provided to the parent within a reasonable period of time (usually 15-20 days) after the meeting. This time will vary on a case-by-case basis.	Evaluation report; correspondence

104200 Reevaluation is conducted every three (3) years or more frequently if conditions warrant: (NA initial evaluation) 300.536(b); SP(III)	A reevaluation for each child with a disability is conducted as least once every three years. • Documentation is present that the required triennial evaluation **did not** exceed three years. • For reevaluations other than the required triennial evaluation, initial evaluation timelines are followed. NOTE (1): The date for reevaluations without collecting additional data will be the date of the official review of existing data by the members of the IEP team and the date documenting their decision that no additional data was required. NOTE (2): For reevaluations requiring collection of additional data, the date of the eligibility staffing will be considered the reevaluation date. NOTE (3): Reevaluations may be conducted more frequently, if conditions warrant, or if child's parent or teacher requests an evaluation.	Evaluation report; meeting notes

104300 INDIVIDUALIZED EDUCATION PROGRAM (IEP)		
104400 Parent is notified of the IEP meeting: 300.345(a)(1)(2); SP(IV)	Documentation that the parent was notified of the IEP meeting is in the child's file. • The parent is notified early enough to ensure an opportunity to participate. NOTE: For additional information regarding parent notification of a meeting, see *Parent Participation in Meetings* in the Appendices of this manual.	Notification ; contact log
104500 (104510-104570) Content of the notification (verbal or written) is documented: 300.345(b)(1)(2)(3); SP(IV)	• The parent is informed of all purposes for the meeting. • For students beginning at age 14 or younger, if appropriate, transition is stated as a purpose of the meeting, at least annually. • The time and date of the meeting is stated. • The location of the meeting is indicated. • The participants who will be invited to attend are indicated by name and/or role(s). (See Notes 1 and 2) • The parent is informed of his/her right and the agency's right to bring other individuals who have knowledge or special expertise regarding the child, including related services personnel, as appropriate and that the determination of whether or not the individual has knowledge or special expertise is made by the inviting party. • A copy of *Procedural Safeguards for Children and Parents* statement is provided with each notification of an IEP meeting. NOTE (1): If the purpose of the meeting includes consideration of transition, the agency must invite the student and representatives from any other agency likely to provide or pay for services. NOTE (2): The agency must obtain a signed *Release of Information* from the parent prior to inviting representatives of other agencies to the meeting.	Notification, contact log
104600 IEP meeting held within required timelines: 300.343(2); SP(IV)	A meeting is held and an IEP is developed within required timelines. Documentation includes: • Date(s) of meeting(s) – (m/d/y). • Dates between the IEP meeting and eligibility determination meeting are not more than thirty (30) calendar days.	IEP; evaluation report
104700 Review/revise the IEP: 300.343(c)(1)(2); SP(IV)	The IEP team meets to review/revise, if necessary, the IEP at least on an annual basis. Documentation includes: • Date(s) of meeting(s) – (m/d/y). • Meetings are no more than 365 calendar days apart.	IEP

104800 IEP developed prior to service(s): 300.342(b)(1)(i); SP(IV)	Documentation is present that the IEP was developed, reviewed and/or revised prior to the initiation of the services outlined in the IEP. • Date(s) (m/d/y) of initiation of service(s) is/are after the date of the IEP meeting to develop the IEP. NOTE: IEP meeting and initiation of service(s) may be on the same day.	IEP
104900 IEP is implemented as soon as possible following the IEP meeting: 300.342(b)(1)(ii); SP(IV)	No undue delay can occur in providing special education and related services to the child. The current IEP indicates: • The IEP is implemented as soon as possible following IEP meeting (i.e., generally no more than one (1) to five (5) days). **OR** • The reasons for delay are documented, such as: o When the IEP meeting occurs during the summer or a vacation period. **OR** o Where there are circumstances which require a short delay (e.g., working out transportation arrangements). **OR** o When the IEP is completed before the child's third birthday. • The IEP is in effect at the beginning of the school year.	IEP
105000 A current IEP is present and accessible: 300.342(2)(3); SP(IV)	The child's current IEP is accessible to each individual responsible for its implementation. • A current IEP is present in the child's file. • Each teacher and/or service provider has access to the child's file and is informed of her/his specific responsibilities related to implementing the child's IEP.	IEP
105100 Attendance at the IEP meeting of team participants: 300.344; SP(IV)	Indicators 105900 – 106500 describe the IEP team participants. The IEP must contain a listing of the participants in attendance at the IEP meeting. Documentation includes: • Name of each participant. • Role(s) for each participant. NOTE: If an individual attending the meeting is serving in more than one (1) role, the individual must be aware of that in advance of the meeting and each role in which the person is serving must be documented.	IEP

105200 Representative of the public agency: 300.344(a)(4); SP(IV)	• Documentation is present that a representative of the public agency attends the IEP meeting. This individual is any designated member of the school staff who meets the following requirements: ▪ Is qualified to provide or supervise the provision of special education ▪ Is knowledgeable about the general curriculum ▪ Is knowledgeable about the availability of resources of the public agency NOTE (1): This staff member must have the authority to commit agency resources to implement the IEP and ensure that whatever services are set out in the IEP will not be vetoed at a higher administrative level within the agency. NOTE (2): For agencys associated with special school agencys, the representative of the public agency fulfilling this role represents the special school agency. An additional representative of the component agency is also required to attend.	IEP
105300 Child's regular education teacher(s): 300.344(a)(2), 300.540; SP(IV)	• Documentation is present that at least one regular education teacher of the child, if the child is or may be participating in the regular education environment, attends the initial IEP meeting. • For a subsequent IEP meeting, documentation is present that the IEP team considered whether the teacher's attendance is required for all or any part of the IEP meeting. This documentation includes: ▪ Names and roles of the individuals making the decisions. ▪ Results of the decision. NOTE: For children with more than one regular education teacher, the agency may select which regular education teacher will serve as a member of the IEP team.	IEP
105400 Child's special education teacher(s): 300.344(a)(3); SP(IV)	• Documentation is present that at least one (1) special education teacher of the child, or if appropriate, at least one special education provider of the child attends the IEP meeting.	IEP

105500 (105510-105530)
Child's parent(s):
 	
300.345(c); SP (IV)
	One (1) of the following methods to ensure parent(s) participation is documented:
	
	• Parent(s) attends the IEP meeting and documentation on the IEP indicates such.
	
	OR
	
	• If the parent(s) is unable to attend but chooses to participate, via an alternative method, documentation on the IEP indicates their participation and the method of participation.
	
	  • Conference phone call
	  • Correspondence
	
	OR
	
	• Documentation is present the parent(s) chooses not to attend or participate through one (1) of the above methods.
	
	OR
	
	An IEP meeting may be conducted without a parent in attendance after the agency has attempted to arrange two (2) separate meetings as outlined below. The agency must have documentation of the two (2) attempts to arrange the meetings.
	
	Documentation includes:
	
	• Records of telephone calls made and results.
	
	• Copies of correspondence sent and responses received.
	
	• Records of visits made to the home or place of employment and results.
	
	NOTE (1): For additional information on meeting notification, see *Two Attempts Cart* in Appendix of this manual.
	
	NOTE: "Parent" refers to a parent, guardian, a person acting as a parent, foster parent where natural parents' educational rights have been terminated, or an educational surrogate appointed by the Department of Elementary and Secondary Education.
		IEP; contact log; correspondence

105600 Child: 300.344(a)(7), 300.344(b)(1)(2); SP(IV)	• The IEP team includes the child at any age, if appropriate. • For IEP meetings addressing secondary transition services, the child is included beginning at age 14, or younger, if appropriate. **OR** • If, after the age of 14 the child does not attend, documentation is present that the child's preferences and interests related to transition services were considered at the IEP meeting. NOTE: This documentation may include interest inventories, interviews, evaluation data and other information provided by parents, teachers, or others with knowledge of the child.	IEP
105700 An individual who can interpret instructional implications of evaluation results: 300.344(a)(5); SP(IV)	• The IEP team includes a person who can interpret instructional implications of evaluation results.	IEP
105800 Others (specify): 300.344(a)(6); 300.344(b)(3); SP(IV)	• Other participants with knowledge or special expertise regarding the child attended the meeting at the discretion of either the parent or agency. • When addressing secondary transition at the IEP meeting, beginning at age 16 (or younger if appropriate), representatives of other agencies who are responsible for providing or paying for transition services attended. **OR** • If an agency representative did not attend, documentation is present that the agency took other steps to obtain their participation in planning any transition services.	IEP; correspondence

105900 IEP includes the following content (Indicators 106700 - 109600):		
106000 (106010-106050) A statement of the present levels of educational performance: 300.346(a), 300.347(a)(1); SP(IV)	The IEP includes a statement of the child's present level of education performance that: • Is consistent with evaluation/reevaluation results in the evaluation report. • Reflects changes in current functioning of the child since the initial/prior IEP. • Addresses how the child's disability affects her/his involvement and progress in the general education curriculum. (For preschool children, how the disability affects the child's participation in age-appropriate activities.) • Considers, as appropriate, the results of the child's performance on any general State and agency-wide assessments. • Addresses the strengths of the child and the concerns of the parent for enhancing the education of their child.	IEP
106100 (106110-106140) Consideration of special factors: 300.346(a)(2)(i)(ii)(iv)(v); SP(IV)	The IEP team considered the following factors and determined services, strategies, supports or devices, as appropriate: • The child's communication needs. (For additional requirements addressing children who are deaf and hard of hearing see Indicator 106400 – 106500, Document B.) • The need for assistive technology services and/or devices. • The language needs of a child with limited English proficiency as those needs relate to the child's IEP. • Positive behavioral interventions, strategies and supports to address behaviors that impede the learning of the child or others.	IEP

106200 (106210-106240) For children who are blind or visually impaired, the IEP addresses instruction/non-instruction in Braille: 300.346(a)(2)(iii); SP(IV)	• The IEP indicates whether or not the child is to receive instruction in reading and writing Braille. If instruction in Braille is received, the IEP includes: • Specific goals indicating which competencies in reading and writing Braille are to be taught and the level of competency expected to be achieved by the end of the IEP. • Methods of integrating Braille into normal classroom activities. • Initiation date for Braille instruction and duration of each session. **OR** If instruction in Braille is <u>not</u> received, the IEP includes: • The basis for the IEP team's determination that Braille instruction is not appropriate for the child.	IEP
106300 Statement of referral to Rehabilitation Services for the Blind: SP(IV)	The IEP indicates: • A referral to Rehabilitation Services for the Blind has been discussed with the parent. • The parent's decision regarding the referral.	IEP
106400 (106410-106440) For children who are deaf or hard of hearing, the IEP team considers the child's language and communication needs: 300.346(a)(2)(iv); SP(IV)	The IEP documents that the following factors were considered by the IEP team: • The child's language and communication needs • Opportunities for direct communication with peers and professional personnel in the child's language and communication mode • Academic level • Full range of needs including opportunities for direct instruction in the child's language and communication mode	IEP
106500 For children who use hearing aids, the IEP addresses the maintenance of the device: 300.6(c), 300.303; SP(IV)	The IEP indicates the hearing aid(s) are: • Monitored for proper working order on a daily basis and during evaluation procedures. • Evaluated to ensure proper functioning on an annual basis (electro-acoustic analysis). NOTE: If other assistive listening devices are used, such as an auditory training unit (ATU), their working order should also be verified.	IEP

106600 Student informed of transfer of parental rights: 300.347(c), 300.517(a)(3); SP(IV)	• No later than the child's 17th birthday, the IEP includes a statement that the child has been informed of the rights under IDEA that will transfer to the child upon her/his 18th birthday. NOTE: For information regarding notification of the transfer of rights at age 18, see Document A, Indicator 103900.	IEP
106700 (106710-106720) A statement of the transition service needs (age 14+): 300.29, 300.347(b)(1); SP(IV)	The IEP for each student beginning no later than the student's 14th birthday (and at a younger age, if appropriate), and updated annually, includes: • A statement addressing the student's anticipated post-secondary goal(s) in one (1) or more of the following: o Postsecondary training and/or education (e.g., community college, 4-year college, vocational training, etc.) o Employment (e.g., independent employment, supported employment, or specific career choice) o Living arrangements (e.g., independent living, assisted living) o Community participation including recreation and leisure; o Other, (specify) **AND** • A listing of the proposed courses (algebra, computer keyboarding, chemistry, etc) related to the student's desired post-secondary goal(s) that will enable the student to meet his/her goal(s). **OR** • A description of the instructional focus (independent living skills, self-determination skills, communication skills, job training, etc.) that will enable the child to meet his/her post-secondary goal(s). NOTE: If the student's 4 year (6 year) Plan is used to meet the above requirements, a copy of the Plan must be attached to the IEP.	IEP

106800 (106810-106820)
A statement of the needed transition services (age 16+):
 	
300.29, 300.347(b)(2); SP(IV)
	In addition to all of the requirements in the previous standard (107400), the IEP for each student, beginning no later than the student's 16th birthday (or, at a younger age, if appropriate), and updated annually, includes:
	
	• A statement of the needed transition services in all or any one (1) of the following areas, as determined appropriate by the IEP team.
	  ◦ Instruction
	  ◦ Related services
	  ◦ Community experiences
	  ◦ Development of employment and other post-secondary adult living objectives
	  ◦ If appropriate, acquisition of daily living skills and functional vocational evaluation
	• These services may be addressed as individual activities or written as annual goals. (If using goals, see Indicator 107000, Document B for further requirements.)
	
	NOTE: The above activities must be developed considering the individual student's needs, preferences, and interests. For additional information regarding this requirement, see Indicator 105800, Document B.
		IEP

106900 A statement of the interagency responsibilities or needed linkages related to transition (by age 16 or younger, if appropriate): 300.347(2); SP(IV)	• The IEP includes, if appropriate, a statement of each public and/or participating agency's responsibilities or needed linkages, or both, for ensuring that the student's transition plan is achieved before the student leaves the school setting.	IEP

107000 (107010-107050)
A statement of measurable annual goals:
 	
300.347(a)(2); SP(IV)
	The IEP includes goals that:
	• Demonstrate consistency with the content of the present level of performance.
	• Can reasonably be accomplished within the duration of the IEP (generally one year).
	• Are written in measurable terms that include:
	  • A skill or behavior to be achieved.
	  • A direction for that behavior (e.g., increase, decrease, maintain).
	  • A level of attainment.
	• Demonstrate involvement in the general curriculum, as appropriate (for preschool children, participation in appropriate activities).
	• Address the child's other educational needs resulting from her/his disability.
	• Are present for each special education and related service.
		IEP

107100 Benchmarks or short-term objectives: 300.347(a)(2); SP(IV)	Each annual goal includes at least one: • Benchmark (measurable major milestone). • Short-term objective (measurable intermediate step). **AND** • Enables parents, students, and educators to monitor progress during the year.	IEP

107200 (107210-107250)
Special education services to be provided:
 	
300.26, 300.347(a)(3), (6); SP(IV)
	The IEP indicates:
	• Specific special education service(s).
	• Amount of time (e.g., minutes, hours, periods, percentage) to be committed to each service that must be:
	  ◦ Appropriate to the specific service.
	  ◦ Stated in a manner clear to all involved in the development and implementation of the IEP.
	• Duration (i.e., beginning and ending dates for the services).
	• Location (states the type of environment for provision of the services - e.g., regular education classroom, resource classroom, community worksite, community child care center, etc.).
	• Frequency (states how often the services will occur—e.g., daily, weekly, monthly).
	
	NOTE: Appendix A of the Federal Regulations implementing IDEA is included in the Appendices of this manual and provides additional information regarding amount of services on the IEP.
		IEP

107300 (107310-107350)
Applicable related service(s):
 	
(NA for transportation as a related service; for transportation as a related service, see standard # 108500.)
 	
300.24, 300.347(a)(3), (6); SP(IV)
	The IEP indicates:
	• Specific related service(s).
	• Amount of time (e.g., minutes, hours, periods, percentage) to be committed to each service that must be:
	  ◦ Appropriate to the specific service.
	  ◦ Stated in a manner clear to all involved in the development and implementation of the IEP.
	• Duration (i.e., beginning and ending dates for services).
	• Location (states the type of environment for provision of the services- e.g., regular education classroom, resource classroom, etc.);.
	• Frequency (states how often the services will occur—e.g., daily, weekly, monthly).
	
	NOTE: Appendix A of the Federal Regulations implementing IDEA is included in the Appendices of this manual and provides additional information regarding amount of services on the IEP.
		IEP

107400 (107410-107450)
Applicable supplementary aids and services:
 	
300.28, 300.347(a)(3)(6); SP(IV)
	IEP lists applicable supplementary aids and services:
	• Specific supplementary aids and services.
	• Amount of time (e.g., minutes, hours, periods, percentage) to be committed to each service that must be:
	  • Appropriate to the specific service.
	  • Stated in a manner clear to all involved in the development and implementation of the IEP.
	• Duration (i.e., beginning and ending dates for services).
	• Location (states the type of environment for provision of the services - e.g., regular education classroom, resource classroom, etc.).
	• Frequency (states how often the services will occur—e.g., daily, weekly, monthly).
	
	NOTE: Appendix A of the Federal Regulations implementing IDEA is included in the Appendices of this manual and provides additional information regarding amount of services on the IEP.
		IEP

107500 (107510-107540) Program modifications: 300.347(a)(3)(6); SP(IV)	IEP lists: • A description of the specific program modifications (e.g., testing, materials, discipline, classroom modifications, including special seating, professional or student tutors, working with parents to help their child at home, extra help before or after the beginning of the school day, and modifications to assignments). • Duration (i.e., beginning and ending date for services). • Location (states the type of environment for provision of the services - e.g., regular education classroom, resource classroom, etc.). • Frequency (states how often the services will occur - e.g., daily, weekly, monthly).	IEP
107600 Supports for school personnel: 300.347(a)(3); SP(IV)	• Description of the supports that will be provided for school personnel that are focused on directly assisting staff to meet the unique and specific needs of the child.	IEP
107700 Transportation: 300.24(b)(15), 300.347(a)(3); SP(IV)	The IEP documents: • The IEP team's decision regarding whether or not the child needs transportation as a necessary related service. • Accommodations, and/or modifications for transportation (e.g., an aide, accessible bus, or door-to-door transportation) are listed, if determined necessary.	IEP

107800 Extent of non-participation in regular education: 300.347(a)(4); SP(IV)	• For any child not participating 100% in regular education (k-12), the IEP must include a description of the extent that the student will not participate and why full participation is not possible. **OR** • For preschool children, the IEP must contain an explanation of why participation with nondisabled peers was determined unnecessary for the child.	IEP
107900 Addresses physical education, as appropriate: 300.307(c); SP(IV)	The IEP addresses: • Whether or not the student participates in a "regular" physical education program. • If not in a regular physical education program, modifications or adjustments are reflected in the IEP. NOTE: For preschool children, no physical education activities are required.	IEP
108000 Addresses participation in program options, nonacademic and extracurricular services and activities: 300.347(a)(3)(ii, iii), 300.553; SP(IV)	• The IEP contains a statement of the agency's assurance of equal opportunity for the child's participation in program options, nonacademic and extracurricular services, and activities with nondisabled peers, **OR** • The IEP contains a listing of program options, nonacademic and extracurricular services, and activities in which the child may be expected to participate. NOTE: If program options, nonacademic and extracurricular services and activities exist within the agency for nondisabled preschool children, the same option must be available to children with disabilities.	IEP
108100 (108110-108140) A statement defining the child's participation in state assessments of student achievement: 300.347(5); SP(IV) (NA for children for whom state assessment is not available at their age/grade level)	The IEP includes a statement of: • The child's participation in state assessments (Missouri Assessment Program - MAP). • Accommodations and modifications in test administration. **OR** If not participating in general state assessment (MAP): • Why the assessment is not appropriate. • How the child will be assessed (Missouri Assessment Program, Alternate - MAP-A).	IEP

108200 (108210-108240) A statement defining the child's participation in agency-wide assessments of student achievement: 300.347(5); SP(IV) (NA for children for whom the agency does not administer any agency-wide assessments for all students at their age/grade level)	The IEP includes a statement of: • The child's participation in agency-wide assessments. • Accommodations and modifications in test administration. **OR** If not participating in general agency-wide assessments: • Why the assessment is not appropriate. • How the child will be assessed.	IEP
108300 (108310-108360) Consideration of Extended School Year (ESY): 300.309; SP(IV)	ESY services are considered by the IEP team and the IEP documents the team's decision with one (1) of the following: • Eligible for ESY services • Not eligible for ESY services • The determination will be made at a later date. For eligible students, the IEP identifies: • The IEP goals to be addressed through the ESY services. • Type and amount of services. • The frequency of services. • The duration of the services. • The location of the services.	IEP
108400 A statement of how the child's progress will be measured: 300.347 (7)(i); SP(IV)	• The IEP includes a description of how progress toward meeting the annual goal(s) will be measured.	IEP
108500 A statement of how the child's progress will be reported to the parent: 300.347(a)(7); SP(IV)	The IEP includes statements of: • How the child's parent will be regularly informed of their child's progress toward meeting the annual goal(s). • How often this reporting will occur. NOTE: Reporting to parents of children with disabilities must be at least as frequent as progress is reported to the parents of nondisabled children.	IEP
108600 (108610-108620) Progress report: 300.347(7)(A)(B); SP(IV)	The content of the progress report describes: • The progress toward the annual goal. • The extent to which the progress will enable the child to achieve the goals by the end of the year.	Progress report; meeting notes; IEP

108700 Parent is provided a copy of the IEP: 300.345(f); SP(IV)	• Documentation indicates that a copy of the IEP was provided to the parent. NOTE: This copy must be provided to the parent within a reasonable period of time (generally within 15-20 days) after the meeting. This time may vary on a case-by-case basis.	IEP; correspondence
108800 Special education and related services are provided in accordance with the IEP: 300.342(b)(1); SP(IV)	• Special education and related services are provided as listed on the IEP.	IEP
108900 Parent is provided Prior Written Notice for any change of services: (NA initial IEP development or a subsequent IEP resulting in no change to services) 300.503(a)(1)(i); SP(V)	Documentation is present that: • The parent receives written notice prior to any change in the type or amount of special education and/or related services for the child. • Any change in the type or amount of services is made through the IEP process. NOTE: For content of Prior Written Notice, see Document A, Indicators 106500 - 107100.	Notice of Action

109000 PLACEMENT		
109100 IEP is developed/revised prior to placement and/or change of placement recommendation: 300.552(b)(2); SP(IV)	Placement and/or change of placement recommendations are <u>not</u> made prior to development/revision of the IEP. • Placement decisions are based on the child's IEP. • Placement decisions are made only after development or revision of the IEP.	IEP; Notice of Action
109200 (109210-109220) Placement decisions are made by the IEP team: 300.552(b)(1); SP(IV)	Documentation is present that: • The child's IEP team makes placement decisions. • Placement is determined annually. • Placement is based on a continuum of alternative placement options. **For preschool children**, placement in the environment where the child typically spends his/her day is considered. Placement decisions are based on: • Whether education in the regular classroom with the use of supplementary aids and services can be achieved satisfactorily. • Whether the child has been integrated to the maximum extent appropriate. • Placement being as close as possible to the child's home and in the school he/she would attend if nondisabled unless the IEP requires some other arrangement. ▪ Documentation is present that addresses why other arrangements are required. <u>For students attending State Schools for the Severely Handicapped, Missouri School for the Blind, and Missouri School for the Deaf</u>: • Placement determinations are made during the annual IEP review/revision meeting. If the local agency is unable to attend this meeting, they must document that placement options were discussed with the parent at another time.	IEP
109300 Notice of Intent/Consent for Initial Placement is provided/obtained: (NA Change of Placement) 300.503(a)(1), 300.505(a)(1)(ii); SP(V)	Documentation is present that: • A written notice is provided to the parent prior to placement. **AND** • Signed parental consent for the initial placement is obtained prior to placement. NOTE: For content of Prior Written Notice, see Document A, Indicators 106500 - 107100.	Notice of Action

109400 Notice of Change of Placement is provided: 300.503(a)(1); SP(V)	• Documentation is present that a written notice is provided to the parent prior to any change in placement. NOTE: For content of Prior Written Notice, see Document A, Indicators 106500 – 107100.	Notice of Action
109500 Date of Consent for Initial Placement is prior to implementation of the IEP: 300.503(a)(1), 300.505(a)(1)(ii); SP(V)	• Parent consent (date of signature) is prior to implementation of IEP (initiation date). • All dates include month, day, and year.	Notice of Action; IEP

Compliance Standards & Indicators

Document D
Discipline

Legal Requirement	Indicator	Documentation
100000 SHORT TERM SUSPENSIONS 300.121 (d); 300.519; 300.520; SP (I) (VII)		
100100 Removal of ten (10) school days or less in a school year:	A public agency is not required to provide services to a child with a disability who has been removed from his or her current placement for ten (10) school days or less in that school year if services are not provided to a child without disabilities who has been similarly removed. • Discipline records include documentation that student did not exceed 10 days of out of school suspension in a school year. NOTE: No services required: no special procedures, not considered a change of placement.	Agency records; student file
100200 (100210 –100240) **First removal** of a student over ten (10) school days cumulatively in year, when no long-term suspension is involved:	School personnel determine whether a pattern of suspension has been created. If yes, see long-term suspension. School personnel, in consultation with special education teacher determines what, if any, services are required on 11th school day and thereafter to enable child to appropriately progress in general curriculum and appropriately advance towards achieving goals set out in IEP. Documentation includes the following: • Date of decision • Listing of participants • Results • Notification of an IEP meeting NOTE: For an explanation of IEP team meeting, see Document B, Indicators 104500-109000.	Agency records; student file

Legal Requirement	Indicator	Documentation
100300 (100310 – 100330) IEP meeting held:	On or before the end of the 10th business day of a discipline action, the IEP team met to: • Develop functional behavior assessment (FBA) or review/revise an existing FBA • Develop behavior intervention plan (BIP) or review/revise an existing BIP NOTE (1): For requirements regarding notification of an IEP meeting see Document B, Indicators 104500-105900. NOTE (2): The IEP team should consider the need for changes to the IEP goals, services and/or supports that may be necessary to address the child's behaviors.	Student file
100400 (100410 – 100430) **Subsequent removal(s)** over ten (10) school days in year when no long-term suspension is involved:	School personnel determine whether a pattern of suspension has been created. If yes, see long-term suspension. School personnel, in consultation with special education teacher determines what, if any, services are required during this suspension to enable child to appropriately progress in general curriculum and appropriately advance towards achieving goals set out in IEP. Documentation includes the following: • Date of decision • Listing of participants • Results	Meeting notes; student file
100500 IEP team members review BIP:	• Documentation is present that the IEP team reviewed the BIP. NOTE (1): No meeting is required to conduct this review. NOTE (2): The IEP team should consider the need for changes to the IEP goals, services and/or supports that may be necessary to address the child's behaviors.	Student file

Legal Requirement	Indicator	Documentation
100600 (100610 – 100630) One or more IEP team member indicated belief that modifications to BIP are needed:	The IEP team meets to address revisions to the BIP as necessary to address the behavior. Documentation includes the following: • Date review completed • Results of review • Name and role of reviewers NOTE: For requirements regarding notification of an IEP meeting see Document B, Indicators 104500-104600.	Student file
100700 LONG TERM SUSPENSIONS/EXPULSIONS (DISCIPLINARY CHANGE OF PLACEMENT) 300.121 (d); 300.519; 300.520; 300.523; SP (I) (VII)		
100800 (100810 – 100840) Child suspended in excess of ten (10) consecutive school days: **OR** In excess of ten (10) school days cumulatively where pattern of suspension is created:	Immediately, if possible, but no later than ten (10) school days after the date of the decision to implement a disciplinary change of placement, the IEP team met to develop and/or review: • FBA • BIP • Conduct a manifestation determination (see next Indicator). NOTE (1): To determine whether a pattern is created, consider the length of the removal, the total amount of time child is removed, and the proximity of the removals to one another NOTE (2): For explanation of IEP team meeting, see Document B, Indicators 104500-109000.	Student file

Legal Requirement	Indicator	Documentation
100900 (100910 –100920) Manifestation Determination Review:	IEP team shall determine whether there is a relationship between the student's disability and the behavior subject to the disciplinary action. Documentation is present that the IEP team considered the following: • Evaluation and eligibility results, including such results or other relevant information supplied by the parents of the child. • Observations of the child. • Child's IEP and placement. Documentation is present that the IEP team determined all of the following: • Child's IEP was appropriate. • Child's placement was appropriate. • Special education and supplementary aids and services were provided consistent with the child's IEP/Placement. • Behavior intervention strategies were provided consistent with the child's IEP/Placement. • The child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action. • The child's disability did not impair the ability of the child to control the behavior subject to the disciplinary action.	Student file

Legal Requirement	Indicator	Documentation
101000 (101010 – 101020) Conduct is found unrelated to disability:	Documentation is present that: • IEP team finds conduct unrelated to disability • IEP team determines amount and type of services that will enable the child to receive FAPE and appropriately progress in the general curriculum, and determines placement (or where those services are to be provided). • Parent provided Prior Written Notice for change of placement NOTE (1): Services can be provided through alternative schools, in-school suspension, homebound services, contractual arrangement with other agencies or private agencies, mutually agreed sites off school grounds or other settings as determined by the IEP Team. NOTE (2): If the parent disagrees with the team's decision and requests due process, "stay-put" will be the child's current IEP and placement prior to the disciplinary action. Any further action will not be possible until after the due process hearing is completed. Stay-put will be different with a 45-day removal for weapons/drugs. With this action, the stay-put provision will be in the 45-day alternative educational setting – not the child's current IEP placement.	Student file
101100 Conduct is found related to disability:	Documentation is present that: • IEP team finds conduct related to the disability. • Long-term suspension/expulsion is not implemented.	Student file
101200 FORTY-FIVE (45) CALENDAR DAY INTERIM ALTERNATIVE EDUCATIONAL PLACEMENT 300.121 (d); 300.520; 300.521; SP (I) (VII)		
101300 (101310 – 101350) Forty-five (45) day removal – weapons/drugs:	School personnel may order a forty-five (45) calendar day placement when: o Child possesses a weapon at school or school function. **OR** o Child knowingly possesses, and/or uses illegal drugs, or sells controlled substances while at school or at a school function Documentation is present that: • A copy of the procedural safeguards is given to parents upon	

Legal Requirement	Indicator	Documentation

	notification of forty-five (45) calendar day placement
	• Within 10 business days, the IEP team develops FBA plan, if none exists and conducts FBA.
	• Within 10 business days the IEP team reviews/develops BIP.
	• Manifestation Determination by IEP team within ten (10) school days and a review of the relationship between the child's disability and the behavior subject to disciplinary action is conducted. (See notes below)
	• IEP team determines the interim alternative educational setting that will:
	  ▪ Enable child to continue to progress in the general curriculum.
	  ▪ Receive services and modifications of current IEP.
	  ▪ Enable child to meet goals of IEP.
	  ▪ Include services and modifications to address the behavior involved in the disciplinary action.
	NOTE (1): Decision by the IEP team that conduct is related to the disability will not affect decision of whether student receives a forty-five (45)-calendar day placement.
	NOTE (2): If the IEP team determines the conduct is unrelated to the disability, then the agency may impose disciplinary procedures consistent with those applied to children without disabilities.	

Legal Requirement	Indicator	Documentation
101400 (101410 – 101440) Forty-five (45) day removal – violent/dangerous student: (NA except when ordered by a hearing officer through expedited due process hearing)	If a child is likely to injure herself/himself or others, the agency can request an expedited due process hearing to seek a forty-five (45)-calendar day interim alternative educational placement. That will: o Enable child to continue to progress in the general curriculum; o Receive services and modifications of current IEP; o Enable child to meet goals of IEP; and o Include services and modifications to address the behavior involved in the disciplinary action. Documentation is present that the agency: • Notified the parent of the decision to seek this order on the day the decision is made. • Provided the parent with a copy of the *Procedural Safeguards*. • Filed a request for expedited hearing with DESE. • Held an IEP meeting to make manifestation determination within ten (10) school days. A review of the relationship between the child's disability and the behavior subject to disciplinary action is conducted. (For additional information regarding manifestation determination, see Indicator 100900, Document D.) NOTE (1): Through an additional due process hearing, a hearing officer may extend placement for an additional 45-day increment(s) if the student continues to present a danger to himself or others. NOTE (2): Another option for removal of a violent, dangerous student would be to file for an injunction with court of competent jurisdiction.	

Compliance Standards & Indicators

Document E
Speech Implementer Model

Legal Requirement	Indicator	Documentation
NOTE: Basis for legal requirement may be found in DESE *Requirements for Implementation.*		
100000 Annual approval:	• The agency requests approval from DESE to adopt the implementer model for speech therapy services. • The request includes the names and social security numbers of the individuals employed as speech pathologist and implementer.	Letter of request and DESE approval letter
100100 Speech pathologist has required credentials:	• Speech pathologist has a valid Missouri teaching certificate **OR** • Speech pathologist has a Certificate of Clinical Competence (CCC) from the American Speech, Hearing and Language Association **OR** • Speech pathologist has an appropriate Missouri license from the Missouri Board of Healing Arts.	Agency file, DESE approval letter
100200 Implementer has required credentials:	• Implementer has a Bachelor's Degree in Communication Disorders, or Communication Science and a substitute teacher certificate **OR** • Implementer has a valid Missouri teaching certificate. NOTE: If unable to hire an individual with a Bachelor's Degree in Communication Disorders or Communication Science, preference should be given to individuals with special education or elementary teaching backgrounds to fill the implementer position.	Agency file, DESE approval letter

Legal Requirement	Indicator	Documentation
NOTE: Basis for legal requirement may be found in DESE *Requirements for Implementation*.		
100300 Speech pathologist's caseload adjusted:	• The caseload for a supervising speech pathologist employed by the agency to provide speech therapy is reduced to reflect the added responsibilities associated with the supervision of an implementer. **OR** • The job responsibilities of a supervising speech pathologist employed by the agency in any other capacity are considered when assigning that person to supervise an implementer. **OR** • When contracting with a private consultant to provide supervision for the implementer, the agency considers the individual's other activities and responsibilities before determining the number of students the contracted speech pathologist can serve.	Core Data report, agency files
100400 Implementer's caseload meets state standards:	• The caseload for the implementer does not exceed maximum state standards. • Documentation indicates that the caseload for the implementer was adjusted, as necessary, to allow for training activities.	Core Data report, agency files
100500 Written outline describes model:	• A written description of the activities unique to the needs of the agency is maintained by the supervising speech pathologist. • The written description outlines the specific activities and procedures to be used by the speech pathologist and the implementer to address the requirements covered in the DESE *Requirements for Implementation*, guidelines for the Speech Implementer Model. NOTE: DESE *Requirements for Implementation* can be found on the Division of Special Education website or can be obtained by contacting the Division of Special Education, Funds Management Section.	Agency written description
100600 Speech pathologist provides training:	• The supervising speech pathologist provides training for any activities that the implementer is assigned.	Agency files

Legal Requirement	Indicator	Documentation
NOTE: Basis for legal requirement may be found in DESE *Requirements for Implementation.*		
100700 Speech pathologist provides supervision:	• The speech pathologist maintains regular contact and supervision with the implementer for all activities assigned to the implementer. NOTE: The level of supervision may vary depending on the experience and prior training of the implementer. Decisions about direct contact and supervision will be the responsibility of the speech pathologist. The supervising pathologist is ethically responsible for the practices and activities provided.	Agency files
100800 Speech pathologist conducts periodic therapy:	• Documentation indicates that the supervising speech pathologist conducts periodic therapy sessions with the children assigned to the implementer. • The method of documentation is described in the agency's written outline for implementation of the model. NOTE: The frequency of these direct therapy sessions is to be determined by the supervising speech pathologist and will depend on the individual needs of the children being served.	Agency written plan and student files
100900 Speech pathologist conducts all evaluations:	• Documentation indicates that evaluations for communication disorders are conducted by a qualified speech pathologist.	Agency files, student files
101000 Speech pathologist attends/provides input for eligibility staffing:	• A qualified speech pathologist provides the information necessary for eligibility determination	Agency files, student files
101100 Speech pathologist participates in IEP development:	• A qualified speech pathologist is an active participant in the development of the IEP. • Documentation indicates that a qualified speech pathologist attends IEP meetings when initial placement or changes of placement decisions are made.	IEP
101200 Agency recruitment efforts documented:	• The agency continues efforts to recruit a qualified speech pathologist on an annual basis. NOTE: Approval to use the speech implementer model is given on an annual basis and requires the agency to actively recruit for a qualified speech pathologist prior to requesting approval to use the model for an additional year.	Agency files, newspaper advertisements, position posting notices

Compliance Standards & Indicators

Document F
Transfer Students

Legal Requirement	Indicator	Data Source
100000 Access sheet:	Access sheet is present which includes: • Name of person(s) accessing the file. • Date(s) file reviewed. • Purpose(s) of review.	Student file
100100 Enrollment date:	• The date (m/d/y) the child enrolled in the agency is present.	Agency records, student file
100200 NO RECORDS RECEIVED AT ENROLLMENT SP (IV)		
100300 Request for records:	Agency requests records. Documentation includes: • Date (m/d/y) agency requests records. • A specific listing of records requested (e.g., evaluation report and IEP). NOTE: See Document A, Indicators 105800 - 106300 for specific information pertaining to release of information.	Student file
100400 Agency officials conduct interviews:	Agency contacts and interviews officials of the sending agency. Interview documentation includes: • Date of interview. • Name and role of officials interviewed. • Content of information from interview.	Student file
100500 Child placed in regular education:	Documentation indicates interviews were not sufficient to determine eligibility, services, and placement: • Student was placed in a regular education classroom. NOTE: Student's progress in the regular education setting should be monitored.	Student file
	OR	

Legal Requirement	Indicator	Data Source
100600 Interim IEP is developed:	If information from interview is sufficient to determine eligibility, services and placement: • An interim IEP is developed. • Placement is determined.	Student file
100700 Current evaluation report is not received within 30 calendar days:	If a current evaluation report is not received within 30 calendar days, documentation indicates: • Evaluation procedures are initiated. **AND** • Child remains in regular education during evaluation period. **OR** • The interim IEP is implemented until evaluation is completed.	Student file
100800 TRANSFERS FROM ANOTHER MISSOURI AGENCY SP (IV)		
100900 Agency receives and reviews the evaluation report:	The agency reviews the evaluation report. Documentation indicates: • Date (m/d/y) records received. • Date (m/d/y) records reviewed. • Names and roles of reviewers.	Student file
101000 Information from evaluation report is not sufficient:	Review of the evaluation report indicates information is not sufficient for eligibility determination. Documentation indicates: • An interim IEP is developed. • Placement in LRE is determined. • Reevaluation procedures are initiated. NOTE: See Indicators 103000 – 104200, Document B **OR**	Student file

Legal Requirement	Indicator	Data Source
101100 Information is sufficient:	Review of the evaluation report indicates information is sufficient for eligibility determination. Documentation indicates: • Acceptance of evaluation report.	Student file
101200 No IEP received:	If an IEP is not received; • An IEP is developed. • Placement in LRE is determined.	Student file
101300 Agency receives and reviews the IEP:	The agency reviews the IEP. Documentation indicates: • Date (m/y/d) of the review. • Names and roles of reviewers.	Student file
101400 Agency accepts the IEP	Documentation indicates agency's acceptance of the IEP.	Student file
	OR	
101500 Agency rejects the IEP:	Documentation indicates IEP meeting held to develop IEP. • Current IEP is present.	Student file
101600 TRANSFERS FROM ANOTHER STATE SP (IV)		
101700 Agency receives and reviews the evaluation report:	Upon receipt of evaluation report from the out-of-state agency, the Missouri agency reviews the report and documents the following: • Date (m/d/y) records received • Date (m/d/y) records reviewed • Decision of the review • Names and roles of reviewers	Student file
101800 Agency accepts evaluation report:	• Notice is provided to the parent that the Missouri agency accepts the evaluation report from the out-of-state agency. NOTE: For content of Notice, see Document A, Indicators 104200.	Student file, prior written notice

Legal Requirement	Indicator	Data Source
	OR	
101900 Agency rejects the evaluation report:	• If the agency rejects the evaluation report from the previous state, documentation indicates that the agency initiated evaluation procedures. NOTE: The intent of this evaluation is to determine if the student meets Missouri eligibility criteria and if the student continues to need special education and related services.	Student file, prior written notice
102000 Agency receives and reviews the IEP:	Upon receipt of the IEP from the out-of-state agency, the Missouri agency reviews and documents the following: • Date of the review (m/d/y) • Decision of review • Names and roles of the reviewers	Student file
102100 Agency accepts the IEP:	The agency determines the current IEP is appropriate and can be implemented as written. Documentation indicates: • Current IEP is present. • Parent indicates agreement with the IEP.	Student file
	OR	
102200 Agency rejects the IEP:	• Documentation indicates the agency held an IEP meeting to develop an IEP as soon as possible, but not more than thirty (30) calendar days after the acceptance of the eligibility determination and evaluation report from the previous state.	Student file
	OR	
102300 Current IEP is not received:	• Documentation indicates an IEP meeting was held to develop an IEP within 30 days of acceptance of the evaluation report, or an interim IEP was developed for use during evaluation. **OR** • If agreement with the parent is not reached for an interim IEP and placement, documentation indicates placement in regular education for the period of the evaluation.	Student file

Compliance Standards & Indicators

Document G-1
ELIGIBILITY CRITERIA: Autism

Legal Requirement	Indicators	Documentation
NOTE: Basis for legal requirements found in the *Missouri State Plan for Special Education*, Section III.		
100000 (100010 – 100030) Evaluation procedures include:	The evaluation report documents the use of **all** of the following procedures to address the areas of concern: • Review of medical records, • Observation of the child's behavior across multiple environments • An in-depth social history NOTE: The in-depth social history may include a developmental history, significant life events, and/or reports from parents, physicians and teachers.	Evaluation report
100100 (100110 – 100140) Disturbance of the communication process:	The evaluation report documents disturbances of speech, language-cognitive development, and nonverbal communication in **one (1) or more** of the following: • Abnormalities that extend beyond speech to many aspects of the communication process • Absence of Communicative language or, if present, language lacks communicative intent • Characteristics involve both deviance and delay. • Deficits in the capacity to use language for social communication, both receptive and expressive	Evaluation report
	AND	
100200 (100210 – 100240) Disturbance in the capacity to relate appropriately:	The evaluation report documents a deficit in the child's capacity to relate appropriately to people, events or objects through **one (1) or more** of the following ways: • Evidence of abnormalities in relating to people, events, or objects • Deficits in capacity to form relationships with people • Use of objects in an age-appropriate or functional manner are absent, arrested, or delayed. • Seeks consistency in environmental events to the point of exhibiting rigidity in routines.	Evaluation report

Compliance Standards & Indicators

Document G-1
ELIGIBILITY CRITERIA: Autism

Legal Requirement	Indicators	Documentation
100300 (100310-100320) Adverse affect on educational performance:	• The evaluation report documents all areas in which the child's autism adversely affects her/his educational performance. • The documentation includes a description of the educational concerns.	Evaluation report
100400 Autism is not a result of other factors:	• The evaluation report documents the results of the evaluation and the team's conclusion that the child's autism is not the result of an emotional disability.	Evaluation report
	AND, IF APPROPRIATE	
100500 (100510-100530) Disturbance of developmental rates and sequences:	The evaluation report documents deficits in the child's developmental rates and sequences through **one (1) or more** of the following: • Delays, arrests or regressions in physical, social or learning skills • Areas of precocious development with other skill areas at normal or extremely depressed rates • Skill acquisition does not follow normal developmental patterns	Evaluation report
	AND/OR, IF APPROPRIATE	
100600 (100610-100630) Disturbance of responses to sensory stimuli:	The evaluation report documents deficits in the child's responses to sensory stimuli through **one (1) or more** of the following: • Behavior ranges from hyperactive to unresponsive to people and objects and can alternate between these states over periods ranging from hours to months • Disturbances in auditory, visual, olfactory, gustatory, tactile and kinesthetic responses • Responds to stimulation inappropriately and in repetitive or nonmeaningful ways	Evaluation report

Compliance Standards & Indicators

Document G-2
ELIGIBILITY CRITERIA: Deaf/Blind

Legal Requirement	Indicator	Documentation
NOTE: Basis for legal requirements found in *Missouri State Plan for Special Education*, Section III		
100000 (100010 – 100020) Hearing and visual evaluation:	The evaluation report documents both hearing and visual impairments through: • Comprehensive evaluations by a qualified audiologist **AND** • Comprehensive evaluations by a licensed optometrist or board-certified ophthalmologist.	Evaluation Report
100100 (100110 – 100140) Comprehensive educational evaluation:	A comprehensive educational evaluation is present which documents: • All areas in which the child's visual **and** hearing impairments adversely affect her/his educational performance • The combination of these impairments together cause severe concern in the following areas: ▪ Communication ▪ Development ▪ Education	Evaluation Report

Compliance Standards & Indicators

Document G-3

ELIGIBILITY CRITERIA: Emotional Disturbance

Legal Requirement	Indicator	Documentation
NOTE: Basis for legal requirements found in *Missouri State Plan For Special Education*, Section III		
100000 (100010 – 100050) One (1) or more characteristics of emotional disturbance are present:	The evaluation report documents a comprehensive evaluation which confirms the presence of an emotional disturbance and includes a description of **one (1) or more** of the following characteristics: • Inability to learn that cannot be explained by intellectual, sensory or health factors. • Inability to build or maintain satisfactory interpersonal relationships with peers and teachers. • Inappropriate types of behavior or feelings under normal circumstances. • General pervasive mood of unhappiness or depression: • Tendency to develop physical symptoms or fears associated with personal or social problems NOTE: The term emotional disturbance includes schizophrenia, but does not apply to children who are socially maladjusted unless it is determined they also have an emotional disturbance.	Evaluation report
100100 (100110-100120) Evaluation procedures include:	The evaluation report includes an analysis of the identified concerns through **both** of the following methods: • Observations of the behavior in different environments, **AND** • An in-depth social history. NOTE: The in-depth social history may include a developmental history, significant life events, and/or reports from parents, physicians, and teachers.	Evaluation report

Legal Requirement	Indicator	Documentation
100200 (100210-100220) Impact of emotional disturbance:	• The evaluation report documents that the characteristics have existed over an extended period of time, **AND** • The characteristics exist to a marked degree. NOTE (1): In most cases, an extended period of time would be from 2-9 months. NOTE (2): Children who experience and demonstrate problems of everyday living and/or those who develop transient symptoms due to a specific crisis or stressful experience are not considered to have an emotional disturbance.	Evaluation report
100300 Adverse affects on educational performance:	The evaluation report documents: • The adverse impact of the emotional disturbance on educational performance in the school setting. • A description of the educational concerns.	Evaluation report

Compliance Standards & Indicators

Document G-4

ELIGIBILITY CRITERIA: Hearing Impairment/Deafness

Legal Requirement	Indicator	Documentation
NOTE: Basis for legal requirements found in *Missouri State Plan for Special Education*, Section III		
100000 Hearing evaluation:	• The evaluation report documents a comprehensive hearing evaluation, by a qualified audiologist, which confirms a hearing impairment or deafness.	Evaluation Report
100100 (10110-100120) Comprehensive educational evaluation:	A comprehensive educational evaluation is present which documents: • Areas in which the child's hearing impairment or deafness adversely affects her/his educational performance. • A description of the educational concerns.	Evaluation Report

Compliance Standards & Indicators

Document G-5
ELIGIBILITY CRITERIA: Mental Retardation

Legal Requirement	Indicator	Documentation
NOTE: Basis for legal requirements found in the *Missouri State Plan for Special Education*, Section III		
100000 (100010-100030) Child performs 2.0 Standard deviations below peers:	Documentation regarding the child's performance includes the following: • Name of cognitive measure used • Score obtained for child • Statement that score is equal to or below 2.0 SD from the mean for that measure which is valid when considering age, ethnic and cultural background NOTE: The score obtained will vary depending upon the instrument. It may be an IQ score, scale score, standard score, percentile, Z score, or developmental age.	Evaluation report
100100 (100110-100130) Adaptive behavior is consistent with cognitive abilities:	Documentation of adaptive behavior includes the following: • Name of the adaptive behavior scale administered • Results of that evaluation • The overall score on measured adaptive behavior is consistent with cognitive abilities	Evaluation report
	OR	
100200 Professional judgment:	• Sufficient data is present in the evaluation report to document a significant discrepancy even though the deviation does not fall below the criterion range. • Documentation may be obtained through formal and informal assessment to support this decision.	Evaluation report
	AND	
100300 (100310-100320) Reduced cognitive ability and adaptive behavior adversely affects educational performance:	Results from formal and/or informal assessments in achievement and other areas of functioning such as communication skills and social skill development indicate the following: • Reduced cognitive abilities and adaptive behavior adversely affect educational performance • Specific areas of impact are described	Evaluation report

Compliance Standards & Indicators

Document G-6

ELIGIBILITY CRITERIA: Multiple Disabilities

Legal Requirement	Indicator	Documentation
NOTE: Basis for legal requirements found in the *Missouri State Plan for Special Education*, Section III.		
100000 Two (2) diagnosed physical/sensory impairments:	The evaluation report documents at **least two (2)** diagnosed physical/sensory impairments by the following qualified personnel: • A physical evaluation by a licensed physician **AND** • A visual evaluation by a qualified optometrist or ophthalmologist **OR** • An auditory evaluation by a qualified audiologist: NOTE: This eligibility criteria does not include Deaf/Blind. For specific criteria related to Deaf/Blind, see document G-12.	Evaluation report
	OR	
100100 (100110-100140) One (1) diagnosed physical/sensory impairment and a concomitant disabling condition:	The evaluation report documents **one (1)** diagnosed physical/sensory impairment by the following qualified personnel: • A physical evaluation by a licensed physician. **OR** • A visual evaluation by a qualified optometrist or ophthalmologist. **OR** • An auditory evaluation by a qualified audiologist. **AND** • All components for documentation of a concomitant disabling condition using the approved eligibility criteria (see appropriate Document G Indicators).	Evaluation report
100200 (100210-100220) Comprehensive educational evaluation:	• A comprehensive educational evaluation is present which documents all of the areas in which the child's multiple disabilities adversely affects her/his educational performance. • The documentation includes a description of the educational concerns.	Evaluation report

Compliance Standards & Indicators

Document G-7

ELIGIBILITY CRITERIA: Orthopedic Impairment

Legal Requirement	Indicator	Documentation
NOTE: Basis for legal requirements found in *Missouri State Plan for Special Education*, Section III		
100000 Orthopedic evaluation:	• The evaluation report documents a comprehensive physical evaluation by a licensed physician that results in a diagnosis of a severe orthopedic impairment. NOTE (1): Orthopedic impairments include congenital anomalies (i.e., club foot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.) and other causes (e.g., cerebral palsy, amputations and fractures or burns that cause contrachures). NOTE (2): A copy of physician's report may be attached.	Evaluation report
100100 (100110-100120) Comprehensive educational evaluation:	• A comprehensive evaluation is present which documents all of the areas in which the child's orthopedic impairment adversely affects her/his educational performance. • The documentation includes a description of the educational concerns.	Evaluation report

ELIGIBILITY CRITERIA: Other Health Impairments

Legal Requirement	Indicator	Documentation
NOTE: Basis for legal requirements found in *Missouri State Plan for Special Education*, Section III		
100000 (100010-100020) Health evaluation:	• The evaluation report documents a comprehensive health evaluation by a licensed physician that results in the diagnosis of a chronic or acute health problem. **OR** • For those conditions not requiring a medical diagnosis (e..g, attention deficit disorder or attention deficit hyperactivity disorder), the evaluation report documents a comprehensive evaluation by a licensed psychologist, licensed professional counselor, or licensed clinical social worker. **AND** • Documentation indicates that the health impairment results in limited strength, vitality or alertness, including a heightened. alertness to environmental stimuli. NOTE (1): Examples of chronic or acute health problems include asthma, ADD/ADHD, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia when those conditions adversely affect a child's educational performance. NOTE (2): A copy of the evaluator's report may be attached.	Evaluation report
100100 (100110-100120) Comprehensive educational evaluation:	• A comprehensive educational evaluation is present which documents all of the areas in which the child's health impairment adversely affects her/his educational performance. • The documentation includes a description of the educational concerns.	Evaluation report

Compliance Standards & Indicators

Document G-9

ELIGIBILITY CRITERIA: Specific Learning Disabilities

Legal Requirement	Indicator	Documentation
NOTE: Basis for legal requirements found in *Missouri State Plan for Special Education*, Section III. Additional requirements related to the evaluation report for specific learning disability found in Document B, Indicators 103400 –103700.		

100000 (100010-100070)
Basic psychological processing deficits identified in one (1) or more areas:
	A comprehensive evaluation report is present and documents:
	• A specific learning disability in **one (1) or more** of the following academic areas:
	  • Basic reading skill
	  • Reading comprehension
	  • Written expression
	  • Math calculation
	  • Math reasoning
	  • Listening comprehension
	  • Oral expression
		Evaluation report

100100 Behavioral characteristics identified in deficit area(s) of basic psychological processing:	• Behavioral characteristics are identified within each deficit area of basic psychological processing. For example: "Behavioral characteristics exhibited by (child's name) in the area of basic reading skills are: does not recognize letters when names are provided, cannot provide letter names upon request, demonstrates difficulty with left to right sequencing...."	Evaluation report
100200 Impact of each basic psychological processing deficit is considered:	• When addressing the impact of each basic psychological processing deficit area on academics and school functioning, the frequency, duration, and intensity of the behaviors as they compare to peers is considered.	Evaluation report

Legal Requirement	Indicator	Documentation
100300 (100310-100330) Behavioral characteristics identified:	The evaluation report documents that **one (1) or more** of the following procedures are used to assess behavioral characteristics within each deficit area: • Behavioral observation. The evaluation report includes: ▪ Academic area(s) observed. ▪ Results. • Structured clinical task. The evaluation report includes: ▪ Description of clinical task (e.g., writing sample, informal reading inventory, checklists, rating scales, interviews, diagnostic teaching, etc.) ▪ Results. • Other methods of evaluation as they relate to area(s) of deficit. The evaluation report includes: ▪ Description of method used. ▪ Results.	Evaluation report
100400 (100410-100440) Observation of academic performance:	The evaluation report documents the child's academic performance as observed by at least one team member other than the child's regular teacher. The evaluation report includes: • Name and role of observer. • Location(s) of observation(s): ▪ In the regular classroom during instruction in area(s) of suspected disability ▪ If child is less than school age or out of school, the observation occurred in an appropriate environment (i.e., where child normally spends her/his daytime hours, home, child care, Head Start). • The child's relevant behavior and academic performance during instruction related to the area(s) of suspected disability. • Relationship of behavior and performance to the child's academic functioning.	Evaluation report

ELIGIBILITY CRITERIA: Specific Learning Disabilities

Legal Requirement	Indicator	Documentation
100500 (100510-100530) Severe discrepancy between achievement and ability:	• A severe discrepancy between the child's cognitive performance and achievement is present as indicated by 1.5 standard deviations between the child's cognitive score and academic achievement. The evaluation report documents: • The child's cognitive performance. ▪ Name of cognitive measure used. ▪ Mean and standard deviation. ▪ Full-scale score obtained. • The child's academic achievement. ▪ Name of achievement measure used. Standard scores using grade level norms obtained in each identified area.	Evaluation report
	OR	
100600 Professional judgment:	• Sufficient data is present in the evaluation report to document that a severe discrepancy exists in **one (1) or more** specific area(s) even though a 1.5 standard deviation between cognitive and achievement is not met.	Evaluation report
100700 Medical findings:	• The evaluation report documents the existence of educationally relevant medical findings, if applicable.	Evaluation report
100800 (100810-100830) Learning disabilities not primarily the result of specific factors:	• Based on the results of the comprehensive education evaluation, the evaluation report documents the team's conclusion that the child's learning disability is not Primarily the result of: ▪ Visual, hearing, or motor deficits. ▪ Mental retardation. ▪ Emotional disturbance. ▪ Environmental, cultural, or economic disadvantage.	Evaluation report

Legal Requirement	Indicator	Documentation
100900 (100910) Evaluation report reflects each professional team member's conclusion:	• The evaluation report contains the signatures of each district professional team member and indicates her/his agreement or disagreement with the report. • If the report reflects a district professional team member's disagreement with the report's conclusion, a separate statement presenting her/his conclusions must be present. NOTE: This requirement is not applicable for the parents of the child or their representative(s).	Evaluation report

Compliance Standards & Indicators

Document G-10

ELIGIBILITY CRITERIA: Language Impairment

Legal Requirement	Indicator	Documentation
NOTE: Basis for legal requirements found in *Missouri State Plan for Special Education,* Section III		
100000 (100010-100040) Consistent, inappropriate use of the structures of language:	The evaluation report documents the consistent inappropriate use of **one (1) or more** of the following structures of language: • Morphology (structuring words from smaller units of meaning) • Syntax (putting words together in phrases and sentences—sometimes referred to as grammar deficits) • Semantics (selecting words to represent intended meaning and combining words and sentences to represent intended meaning—sometimes referred to as vocabulary deficits) • Pragmatics (using the functions of language to communicate with others)	Evaluation report
100100 (100110-100120) Assessment of language structures:	The evaluation report documents that **one (1) or more** of the following procedures were used to assess the structure(s) of language: • Language sampling: ▪ Method of elicitation of the sample ▪ Setting for the sample ▪ Analysis procedures used ▪ Description of the child's language deficits identified by the sample **OR** • Structured clinical tasks: ▪ Language activity initiated ▪ Setting for the clinical tasks ▪ Analysis procedures used ▪ Description of the child's language deficits identified by the clinical tasks	Evaluation report

Legal Requirement	Indicator	Documentation

100200 (100210-100220)
Level of language functioning:
	• The evaluation report documents the results of two (2) norm-referenced and standardized language assessments which measure the same areas of language.
	• The evaluation determines whether the child's language functioning is significantly below the child's cognitive abilities. The following criteria apply:
	  ▪ Children ages 3 through 5 years, not kindergarten eligible: 2 standard deviations below peers.
	  ▪ Children ages 5 (kindergarten eligible) through age 8: 1 standard deviation below cognitive ability.
	  ▪ Children ages 9 and older: 1.5 standard deviations below cognitive ability.
	NOTE: If unable to obtain the child's full-scale cognitive score, professional judgment must be used.
		Evaluation report

	OR	
100300 Professional judgment:	• Sufficient data is present in the evaluation report to document the existence of a language disorder even though the criterion defined in the previous Indicator (100200) has not been met.	Evaluation report
100400 Adverse educational impact:	• The evaluation report includes information that addresses the extent to which the child's language functioning adversely affects the child's educational performance. • Specific areas of impact are described.	Evaluation report
100500 Dialectal differences and second language influence:	• The evaluation report documents the team's conclusion that the child's language impairment is not a result of dialectal differences or second language influence.	Evaluation report

Compliance Standards & Indicators

Document G-11

ELIGIBILITY CRITERIA: Sound System Disorder (Articulation and/or Phonology)

Legal Requirement	Indicators	Documentation
NOTE: Basis for legal requirements found in *Missouri State Plan for Special Education*, Section III		
100000 (100010-100050) Delay in correct sound production:	The evaluation report documents the child's sound production errors, phonological pattern errors, and/or information regarding any organic problems through an analysis of the child's specific errors in **one (1) or more** of the following: • Phonological pattern(s) • Substitution(s) • Omission(s) • Distortion(s) • Addition(s)	Evaluation report
100100 Extent sound production is outside normal development:	The evaluation report documents the extent to which the child's sound production is outside the limits of normal development as established by accepted normative data. • The criterion age for a delay in sound production is equal to or less than the child's actual chronological age.	Evaluation report
100200 (100210-100220) Sound system evaluations:	The evaluation report includes documentation of the following: • Specific articulation and/or phonology errors identified using a single word test and/or a sentence/phrase repetition task **AND** • A speech sampling procedure that documents the following: ▪ Method of elicitation ▪ Setting for the activity ▪ Analysis procedures used ▪ Identification of sound errors ▪ Degree of intelligibility and/or impact on listener perception **OR**	Evaluation report

ELIGIBILITY CRITERIA: Sound System Disorder (Articulation and/or Phonology)

Legal Requirement	Indicators	Documentation
100300 Professional judgment:	• Sufficient data is present in the evaluation report, which documents the existence of a disorder due to multiple errors in the sound system which compromise the child's intelligibility and/or the listener's perception even though the recorded errors are considered within normal developmental guidelines.	Evaluation report
100400 Adverse educational impact:	• The evaluation report addresses the adverse educational impact of the child's sound system disorder.	Evaluation report
100500 Dialectal differences and second language influence:	• The evaluation report documents the team's conclusion that the child's sound system disorder is not the result of dialectal differences or second language influences.	Evaluation report

Compliance Standards & Indicators

Document G-12
ELIGIBILITY CRITERIA: Speech-Fluency

Legal Requirement	Indicator	Documentation
NOTE: Basis for legal requirements found in *Missouri State Plan for Special Education*, Section III		
100000 (100010-100040) Symptomatic behaviors of dysfluency:	A comprehensive evaluation report is present which documents that the child consistently exhibits **one(1) or more** of the following behaviors: • Sound, syllable, or word repetitions • Prolongation of sounds, syllables, or words • Blockages • Hesitations NOTE: Associated symptoms of gesturing and/or extraneous facial or body activity related to the dysfluency may also be evident and addressed in the report.	Evaluation report
100100 (100110-100140) Speech sample:	The evaluation report documents a sample of the child's speech in a variety of contexts. The report addresses the following: • Method of elicitation • Settings in which sampling occurred • Analysis procedures used • Description of dysfluency	Evaluation report
100200 (100210-100220) Number or rate of dysfluencies:	The evaluation report documents the child's fluency as significantly below the norm in **one (1)** of the following ways: • Five (5) dysfluencies per minute in each context. **OR** • A dysfluency rate of 10% or greater.	Evaluation report
	OR	
100300 Professional judgment:	• Sufficient data is present in the evaluation report to document through formal and informal assessments the existence of a fluency deficit when the criteria outlined in Indicator 100200 are not met.	Evaluation report
	AND	
100400 Adverse educational impact.	• The evaluation report includes information that addresses the extent to which the dysfluency adversely affects the child's educational performance.	Evaluation report

Compliance Standards & Indicators

Document G-13
ELIGIBILITY CRITERIA: Speech-Voice

Legal Requirement	Indicator	Documentation
NOTE: Basis for legal requirements found in *Missouri State Plan for Special Education*, Section III		
100000 (100010-100030) Deviation in one (1) or more of the parameters of voice:	The evaluation report documents that the child exhibits deviations in **one (1) or more** of the parameters of voice: • Pitch (e.g., shrill or guttural) • Quality (e.g., breathy, hoarse, or gravelly) • Volume (e.g., soft, loud, nasal, or denasal) NOTE: Concern in one (1) or more parameters of voice could indicate the need for a medical referral to obtain a comprehensive voice evaluation by a qualified otolaryngologist (Ear, Nose, and Throat Specialist). A medical report may be attached.	
100100 Voice is discrepant from the norm:	• The evaluation report documents that the child's voice disorder adversely affects the child's educational performance.	
100200 Adverse affect on educational performance:	• The evaluation report describes whether the child's voice is discrepant from the expected parameters for children of same age, sex, and/or culture.	
100300 Voice disorder is not the result of temporary problems:	• The evaluation report documents the child's voice disorder is not the result of any temporary conditions, (e.g., normal voice changes, allergies, colds, or other conditions). • An explanation is provided of any known condition(s) that may temporarily impact the child's voice disorder.	

Compliance Standards & Indicators

Document G-14

ELIGIBILITY CRITERIA: Traumatic Brain Injury

Legal Requirement	Indicator	Documentation
NOTE: Basis for legal requirement found in *Missouri State Plan for Special Education*, Section III		
100000 Diagnosis of brain injury/head injury:	Evaluation report documents the diagnosis of a traumatic brain injury by: • A licensed physician. **OR** • A neuropsychological assessment identifying traumatic brain injury. NOTE (1): The term includes open or closed head injuries resulting in impairments in one or more areas, such as: cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychological behavior, physical functions, information processing, and speech. NOTE (2): The medical and/or neuropsychological reports may be attached to the evaluation report.	Evaluation report
	OR	
100100 Professional judgment:	• Evaluation report includes substantial data to document the medical basis for a head injury even though a physician has not made a medical diagnosis of a head injury.	Evaluation report
	AND	
100200 Adverse affect on educational performance:	• A comprehensive evaluation report is present which documents deficits in acquisition, retention, and/or generalization of skills resulting from the brain injury.	Evaluation report
100300 (100310 – 100340) Deficits in current function capabilities:	Documentation indicates deficits in **one (1) or more** of the following areas: • Building or maintaining social competence • Performance of functional daily living skills across settings • Ability to acquire and retain new skills • Ability to retrieve prior information	Evaluation report

Compliance Standards & Indicators

Document G-15

ELIGIBILITY CRITERIA: Visual Impairment/Blindness

Legal Requirement	Indicator	Documentation
100000 Visual evaluation:	The evaluation report documents a comprehensive visual evaluation, by a qualified optometrist or ophthalmologist, which confirms: • A visual impairment **OR** • A progressive vision loss.	Evaluation report
100100 (100110-100130) Visual acuity:	The child is identified with a visual impairment when: • Visual acuity has been determined to fall within the range of 20/70 to 20/200 in the better eye with best correction by glasses. **OR** The child is identified as blind when: • Visual acuity has been determined to fall at 20/200 or less in the better eye after best correction by glasses or when a visual field measures 20° or less. **OR** The child is identified with a progressive vision loss when; • An optometrist or ophthalmologist has made a diagnosis of a progressive vision loss.	Evaluation report
100200 (100210-100220) Comprehensive educational evaluation:	• A comprehensive educational evaluation is present which documents all of the areas in which the child's visual impairment/blindness adversely affects her/his educational performance. • The documentation includes a description of the educational concerns.	Evaluation report

Compliance Standards & Indicators

Document G-16

ELIGIBILITY CRITERIA: Young Child With a Developmental Delay

Legal Requirement	Indicator	Documentation
NOTE: Basis for legal requirements found in *Missouri State Plan for Special Education,* Section III		
This criteria is for children ages 3 through 5 (not kindergarten age eligible) who are experiencing developmental delays as measured in one of the 3 following ways (Indicators 100100, 100200, and 100300)		
100000 Evaluation procedures include:	The evaluation report documents: • The results of formal instruments/assessment(s) provided in standardized, quantified form or equivalent levels. **OR** • The results of informal assessment(s) provided in equivalent form.	

100100 (100110-100150)
Identification based on multiple delays:
	A comprehensive evaluation report is present which documents:
	• Performance at or below 1.5 standard deviation or equivalent levels of the mean in a combination of **any two (2) or more** of the following areas:
	  • Cognitive
	  • Adaptive
	  • Social/Emotional
	  • Communication in **(one (1) or more)** of following:
	  • The child's **overall** receptive and expressive communication must be at or below 1.5 standard deviations or equivalent levels of the mean
	  • The child's sound production is below the limits of normal developmental guidelines as established by accepted normative data and sufficient data is present to document the existence of a sound system disorder due to multiple errors which compromise the child's intelligibility and/or the listeners perceptions. Refer to document G-11 for additional information.
	  • Voice- Refer to Document G-13
	  • Fluency- Refer to Document G-12
		Evaluation Report

Legal Requirement	Indicator	Documentation
	• Physical • The child's **overall** gross and fine motor scores are at or below 1.5 standard deviations or equivalent level of the mean.	
	OR	
100200 (100210-100250) Identification based on a single delay:	A comprehensive evaluation is present which documents performance at or below 2.0 Indicator deviations or equivalent levels of the mean in any **one (1)** of the following areas: • Cognitive • Adaptive • Social/Emotional • The Evaluation Report reflects the professional opinion of team members that the child's social/emotional/behavioral delay significantly impacts educational development and describes the educational concerns. • Communication in **one (1) or more** of the following: • The child's overall receptive and expressive communication must be at or below 2.0 standard deviations or equivalent levels of the mean • The child's sound production is below the limits of normal developmental guidelines as established by accepted normative data and sufficient date is present to document the existence of a sound system disorder due to multiple errors which compromise the child's intelligibility and/or the listeners perceptions. Refer to Document G-11 for additional information. • Voice- Refer to Document G-13 • Fluency- Refer to Document G-12	Evaluation Report

200

201

Legal Requirement	Indicator	Documentation
	• Physical: ▪ The child's overall gross and fine motor scores are at or below 2.0 standard deviations or equivalent level of the mean and the child meets the definition of orthopedically impaired as described in Document G-7.	
	OR	

100300 (100310-100330)
Identification based on professional judgment:
	• The multidisciplinary team concludes that even though the standard scores or equivalent levels do not meet stated criterion levels, a significant discrepancy exists in **one (1) or more** of the developmental area(s). All other applicable steps in the eligibility criteria must be addressed with sufficient documentation (formal and informal assessment) which led the team to its decision.
	OR
	• Child is functioning above the stated criteria level but is eligible for services based on expected regression due to termination of previous intensive early intervention services.
	• Documentation includes:
	  ▪ Statement by multidisciplinary team that child would regress without special education and related services.
	  ▪ Data demonstrating functioning above criterion level.
	  ▪ Information regarding early intervention services such as type, frequency, intensity, duration of services, and where services were delivered.
		Evaluation Report

Compliance Standards & Indicators
Checklist

Document A
Administrator Checklist

Agency Name	Name of Reviewer	Date(s) of Review

Documented	Number	Legal Requirement	Comment
X	**100000**	**PUBLIC AWARENESS ACTIVITIES:**	
Y N X	100100	Newspaper notice:	
Y N X	100200	Radio or television announcement:	
Y N	100300	Patron Notification :	
Y N	100400	Posters/notices:	
Y N	100500	Content for each public awareness activity is present as follows: Y N	
	100510	Child find responsibilities: Y N	
	100515	Intent to serve ALL disability categories: Y N	
	100520	Intent to provide FAPE to all children with disabilities: Y N	
	100525	Notice provided in alternative language formats: Y N	
	100530	Access rights of parents to personally identifiable information relating to their children: Y N	
	100535	Parent's rights to request amendment of records: Y N	
	100540	Rights of parents to file complaints concerning alleged failures by the agency to meet the requirements of FERPA: Y N	
	100545	Summary of the policies and procedures regarding storage, disclosure to third parties, retention and destruction of personally identifiable information: Y N	

	100550	Assurance that services are provide in compliance with the General Provision Act (GEPA) : Y N	
	100555	Announcement of annual census: Y N	
	100560	Information to be collected: Y N	
X	**100600**	**EDUCATIONAL SURROGATE APPOINTMENT PROCEDURES:**	
Y N	100700	Agency has written procedures:	
Y N	100800	Determine need for educational surrogate:	
Y N X	100900	Upon agency determination/notification of suspected need, the agency investigates and determines the need for surrogate appointment:	
Y N X	101000	Submit "Determination of Need for Educational Surrogate Appointment":	
Y N X	101100	Change in child's need for an educational surrogate:	
Y N X	101200	Change in the specific educational surrogate appointment:	
Y N X	101300	Annual surrogate evaluation(s):	
Y N X	101400	Evidence of recruiting efforts:	
X	**101500**	**OTHER ADMINISTRATIVE ITEMS:**	
Y N	101600	Confidentiality training:	
Y N	101700	Positions of employees having access to personally identifiable data:	
Y N	101800	Comprehensive System of Personnel Development (CSPD) activities have been implemented:	
Y N X	101900	Paraprofessional credentials:	
Y N X	102000	Paraprofessional training:	

Y N	102100	Program evaluation results:	
Y N	102200	Inventory control, placement, and use:	
Y N X	102300	Private school program planning:	
X	**102400**	**CONTRACTUAL SERVICES :**	
Y N X	102500	Public agency contracts for a child's services through a private agency:	
X	**102600**	**STATE BOARD OPERATED PROGRAM-MISSOURI SCHOOL FOR THE BLIND (MSB):**	
Y N	102700	The following items are present:	
	102710	A current evaluation report: Y N	
	102720	A current IEP: Y N	
X	**102800**	**STATE BOARD OPERATED PROGRAM-MISSOURI SCHOOL FOR THE DEAF (MSD):**	
Y N	102900	The following items are present:	
	102910	A current evaluation report: Y N	
	102920	A current IEP: Y N	
X	**103000**	**STATE BOARD OPERATED PROGRAM-STATE SCHOOLS FOR THE SEVERELY HANDICAPPED (SSSH):**	
Y N	103100	The following items are present:	
	103110	A current evaluation report: Y N	
	103120	A current IEP: Y N	
X	**103200**	**DESTRUCTION OF RECORDS:**	
Y N	103300	Notification of Destruction of Records provided prior to destruction of records:	

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Y N	103400	Notification of Destruction of Records includes:		
	103410	Specific of records to be destroyed:	Y N	
	103420	Reason for the destruction:	Y N	
	103430	Date of destruction:	Y N	
	103440	Requirement for maintaining records:	Y N	
X	**103500**	**RELEASE OF INFORMATION:**		
Y N	103600	Consent for release of information is present:		
Y N	103700	Release of information contains the following content:		
	103710	Dated signature of parent or eligible student:	Y N	
	103720	Specific record(s) to be released:	Y N	
	103730	Purpose(s) of the disclosure:	Y N	
	103740	Party(ies) to whom disclosure is to be made:	Y N	
X	**103800**	**TRANSFER OF RIGHTS:**		
Y N	103900	Notification of the transfer of parental rights at the age of majority:		
X	**104000**	**PRIOR WRITTEN NOTICE:**		
Y N	104100	Notice of Action provided prior to initiation of an action:		
Y N	104200	Content of notice is present as follows:		
	104210	Description and explanation of action:	Y N	
	104220	Options considered and why rejected:	Y N	
	104230	Information used as a basis for the action:	Y N	

	104240	Other relevant factors to the action: Y N	
		AND	
	104250	Copy of the procedural safeguards statement provided: Y N X	
		OR	
	104260	Statement of protection for parents and children under procedural safeguards: Y N X	
	104270	Means to obtain a copy of the procedural safeguards: Y N X	
	104280	Sources to obtain assistance in understanding procedural safeguards: Y N X	
X	**104300**	**INDEPENDENT EDUCATIONAL EVALUATION (IEE):**	
Y N	104400	Information provided to parent regarding independent education evaluation policies:	
Y N	104500	Provided at public expense:	
Y N	104600	Results considered by the agency:	
X	**104700**	**CORE DATA PROGRAM REPORTING:**	
Y N X	104800	Personnel assigned to special education less than full time:	
Y N	104900	Teachers:	
Y N X	105000	Paraprofessional(s):	
X	**105100**	**HOMEBOUND PROCEDURE:**	
Y N	105200	Homebound application must be on file in the agency:	
Y N	105300	Application form must document all appropriate information:	
Y N X	105400	Exceptions submitted to DESE for approval:	

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Compliance Standards & Indicators
Checklist: Case Record Review

Document B
Special Education Process

Student's Name	Agency Name	Building	Date of Review

Diagnosis	Placement	Initial or Reevaluation		Date of Birth	Age as of Review Date	Grade or Level (if ungraded)	Name of Reviewer
		I	R				

Documented	Number	Legal Requirement		Comment
Y N	100000	Access sheet is present:		
X	**100100**	**REFERRAL PROCESS:**		
Y N	100200	Referral is present for an initial evaluation or a reevaluation at parent request:		
	100210	Name and role of individual(s) making the referral:	Y N	
	100220	Reason for referral and description of concerns:	Y N	
	100230	Description of learning experiences, especially reading and math:	Y N	
	100240	Addresses limited English proficiency:	Y N	
	100250	Date of referral:	Y N	
Y N	100300	Full explanation of all procedural safeguards:		
X	**100400**	**INITIAL EVAUATION/ELIGIBILITY DETERMINATION:**		
Y N	100500	Existing evaluation data on the child is reviewed:		
	100510	Description of data reviewed:	Y N	
	100520	Date finalized:	Y N	
	100530	Names of individuals conducting review:	Y N	

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Y N	100600	Identify what additional data, if any, are needed:	
	100610	Conclusions and decisions from the review: Y N	
	100620	Addition data, if any needed: Y N X	
Y N X	100700	Written Notice, no additional data needed, no consent required:	
		OR	
Y N X	100800	Written Notice, additional data needed, no consent required:	
		OR	
Y N X	100900	Written Notice, consent required:	
Y N X	101000	Content of Notice, where consent is required, is present as follows:	
	101010	Description and explanation of action proposed: Y N	
	101020	Area(s) to be evaluated and methods or tests/assessments to be used, if additional data required: Y N X	
	101030	Description of options considered and reason for rejection of options not selected: Y N	
	101040	Description of each procedure, test, record, or report used as a basis for the action proposed: Y N	
	100150	Description of any other relevant factors to the proposed action: Y N	
	101060	Statement of protection for parents and children under procedural safeguards: Y N	
	101070	Means to obtain a copy of the procedural safeguards: Y N X	
	101080	Sources to obtain assistance in understanding procedural safeguards: Y N X	
Y N	101100	Parent is notified of the eligibility staffing:	

Y N	101200	Content of notification (verbal or written) is documented:	
	101210	Parent informed of the purpose of the meeting: Y N	
	101220	Notified of time and date for the meeting: Y N	
	101230	Notified of the location of the meeting: Y N	
	101240	Participants invited to attend: Y N	
	101250	Right to invite others to attend and determination of expertise: Y N	
Y N	101300	Eligibility staffing held within required timelines:	
Y N	101400	An evaluation report is present:	
Y N	101500	Parent is provided a copy of the evaluation report:	
	101600	**CONTENT OF THE EVALUATION REPORT IS PRESENT AS FOLLOWS:**	
Y N	101700	A synthesis of information from the evaluation is present:	
Y N X	101800	Relevant behavior noted during observation: (specific learning disability, emotional disturbance and autism-NA for all other categorical disabilities)	
Y N X	101900	Description of any variations from standard assessment conditions:	
Y N	102000	Statement of the existence and nature of the categorical disability(ies):	
Y N X	102100	**For Initial Eligibility**: Basis for the determination of eligibility and need for special education and related services for initial evaluation:	
Y N X	102200	**For Continuing Eligibility**: Basis for the determination of continued eligibility and need for special education and related services for reevaluation:	
Y N	102300	A statement that the disability is not a result of lack of instruction in reading or math, or limited English proficiency:	
Y N X	102400	Names and roles of the individuals making the eligibility determination:	

	102410	Includes parent of the child: Y N	
	102420	Includes child's regular education teacher (LD only) : Y N X	
	102430	Person qualified to conduct individual diagnostic evaluations (LD only): Y N X	
X	**102500**	**ADDITIONAL CONTENT REQUIREMENTS FOR EVALUATION REPORT ADDRESSING SPECIFIC LEARNING DISABILITY IS PRESENT AS FOLLOWS:**	
Y N X	102600	Educationally relevant medical findings:	
Y N X	102700	Report reflects conclusion(s) of team:	
Y N X	102800	Dissenting statement:	
Y N X	102900	Learning disabilities not primarily a result of specific factors:	
	102910	Visual, auditory, or motor deficits: Y N	
	102920	Mental Retardation: Y N	
	102930	Emotional Disturbance: Y N	
	102940	Environmental, economic disadvantage or cultural difference: Y N	
X	**103000**	**REEVALUATION/CONTINUED ELIGIBILITY AND NEED FOR SERVICES:**	
Y N	103100	Existing evaluation data on the child is reviewed:	
	103110	A description of the data reviewed: Y N	
	103120	Date finalized: Y N	
	103130	Names of individuals conducting review: Y N	
Y N	103200	Identify what additional data, if any, are needed:	
	103210	Conclusions and decisions from the review: Y N	

	103220	Addition data, if any needed: Y N X	
Y N X	103300	If no additional data are needed, notify the child's parent of the decision:	
	103310	The reason for the decision: Y N	
	103320	Parent's right to request additional assessments: Y N	
Y N X	103400	Written Notice, consent required:	
Y N X	103500	Attempts to obtain parental consent are documented:	
Y N X	103600	Parent is notified of the eligibility staffing when additional assessments were conducted:	
Y N X	103700	Content of notification (verbal or written) is documented:	
	103710	Parent informed of the purpose of the meeting: Y N	
	103720	Notified of time, date and location for meeting: Y N	
	103830	Right to invite others to attend: Y N	
Y N X	103900	Eligibility staffing held within required timelines:	
Y N X	104000	An evaluation report is present when additional data was collected:	
Y N X	104100	Parent is provided a copy of the evaluation report:	
Y N X	104200	Evaluation is conducted every three (3) years or more frequently if conditions warrant:	
	104300	**INDIVIDUALIZED EDUCATION PROGRAM (IEP):**	
Y N	104400	Parent is notified of the IEP meeting:	
Y N	104500	Content of notification (verbal or written) is documented:	
	104510	Parent informed of <u>all</u> purposes of the meeting: Y N	
	104520	If purpose includes transition, students 14 years and up are invited: Y N X	

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	104530	Notified of time and date of the meeting: Y N	
	104540	Notified of the location for of meeting: Y N	
	104550	Right to invite others to attend: Y N	
	104560	Participants invited to attend: Y N	
	104570	Parent is provided a copy of Procedural Safeguards: Y N	
Y N	104600	IEP meeting held within required timelines:	
Y N X	104700	Review/revise the IEP:	
Y N	104800	IEP developed prior to service(s):	
Y N	104900	IEP is implemented as soon as possible following the IEP meeting:	
Y N	105000	A current IEP is present and accessible:	
Y N	105100	Attendance at the IEP meeting of the team participants as follows:	
Y N	105200	Representative of the public agency:	
Y N	105300	Child's regular education teacher(s):	
Y N	105400	Child's special education teacher(s):	
Y N	105500	Child's parent(s);	
	105510	Parent attended or participated: Y N	
	105520	Choice of nonattendance or nonparticipation through (1) of the above methods: Y N X	
	105530	Record of two (2) attempts Y N X	
Y N X	105600	Child:	

Y N	105700	An individual who can interpret instructional implications of evaluation results:	
Y N X	105800	Others (specify):	
	105900	IEP includes the following content:	
Y N	106000	A statement of the present levels of educational performance:	
	106010	Is consistent with evaluation results: Y N	
	106020	Reflects current functioning of the child: Y N	
	106030	Addresses how disability affects involvement and progress in the general education curriculum: Y N	
	106040	Addresses performance on State and agency-wide assessments: Y N	
	106050	Addresses strengths of the child and concerns of the parent: Y N	
Y N	106100	Consideration of special factors:	
	106110	Communication needs: Y N	
	106120	Assistive technology needs: Y N	
	106130	Language needs of LEP children: Y N	
	106140	Behavior interventions, strategies, and supports: Y N	
Y N X	106200	For students who are blind or visually impaired, the IEP addresses instruction/non-instruction in Braille:	
	106210	Goals addressing competencies in reading and writing Braille: Y N X	
	106220	Methods of integrating Braille into classroom: Y N X	
	106230	Initiation date and duration of session for Braille instruction: Y N X	
	106240	If Braille not appropriate, basis for determination: Y N X	

Y N X	106300	Statement of referral to Rehabilitation Services for the Blind:	
Y N X	106400	For students who are deaf or hard of hearing, the IEP team considers the child's language and communication needs:	
	106410	Addresses child's language and communication needs: Y N	
	106420	Opportunities for direct communication: Y N	
	106430	Academic level: Y N	
	106440	Opportunities for direct instruction in child's language and communication mode: Y N	
Y N X	106500	For students who use hearing aids, the IEP addresses the maintenance of the device:	
Y N X	106600	Transfer of parental rights:	
	106610	Child informed of the transfer of rights by the 17th birthday: Y N	
Y N X	106700	A statement of the transition service needs (age 14+):	
	106710	Addresses anticipated post-secondary goals or career choices: Y N	
	106720	Includes the proposed courses related to the post-secondary goal(s): Y N	
Y N X	106800	A statement of the needed transition services (age 16+):	
	106810	Addresses anticipated plan for post-secondary activities: Y N	
	106820	Addresses a coordinated set of activities: Y N	
Y N X	106900	A statement of the interagency responsibilities or needed linkages related to transition services (age 16+):	
Y N	107000	A statement of measurable annual goals:	
	107010	Are consistent with present level of performance: Y N	
	107020	Are written in measurable terms: Y N	

	107030	Demonstrate involvement in general curriculum:	Y N	
	107040	Address child's other educational needs resulting from disability:	Y N	
	107050	Are present for each special education and related service:	Y N	
Y N	107100	Benchmarks or short-term instructional objectives:		
Y N	107200	Special education services to be provided:		
	107210	Specific services identified:	Y N	
	107220	Amount of time for each service:	Y N	
	107230	Duration of services:	Y N	
	107240	Location of services:	Y N	
	107250	Frequency of services:	Y N	
Y N X	107300	Applicable related service(s):		
	107310	Specific services identified:	Y N	
	107320	Amount of time for each service:	Y N	
	107330	Duration of services:	Y N	
	107340	Location of services:	Y N	
	107350	Frequency of services:	Y N	
Y N X	107400	Applicable supplementary aids and services:		
	107410	Specific services identified:	Y N	
	107420	Amount of time for each service:	Y N	
	107430	Duration of services:	Y N	

	107440	Location of services: Y N	
	107450	Frequency of services: Y N	
Y N X	107500	Program modifications:	
	107510	Specific services identified: Y N	
	107520	Duration of services: Y N	
	107530	Location of services: Y N	
	107540	Frequency of services: Y N	
Y N X	107600	Supports for school personnel:	
Y N	107700	Transportation:	
Y N X	107800	Extent of non-participation in regular education:	
Y N	107900	Addresses physical education, as appropriate:	
Y N	108000	Addresses participation in program options, nonacademic and extracurricular services and activities:	
Y N	108100	A statement defining the child's participation in state assessments of student achievement:	
	108110	Describes participation: Y N	
	108120	Addresses necessary accommodations/modifications: Y N	
	108130	If not participating, why not appropriate: Y N X	
	108140	If not participating, how child will be assessed: Y N X	
Y N X	108200	A statement defining the child's participation in agency-wide assessments of student achievement:	

	108210	Describes participation:	Y N	
	108220	Addresses necessary accommodations/modifications:	Y N X	
	108230	If not participating, why not appropriate:	Y N X	
	108240	If not participating, how child will be assessed:	Y N X	
Y N	108300	Consideration of Extended School Year (ESY):		
	108310	Addresses eligibility:	Y N	
	108320	If eligible, addresses goals to be addressed:	Y N X	
	108330	If eligible, addresses type and amount of services:	Y N X	
	108340	If eligible, addresses frequency of services:	Y N X	
	108350	If eligible, addresses duration of services:	Y N X	
	108360	If eligible, addresses location of services:	Y N X	
Y N	108400	A statement of how the child's progress will be measured:		
Y N	108500	A statement of how the child's progress will be reported to the parent:		
Y N	108600	Progress report:		
	108610	Addresses the progress toward the annual goals:	Y N	
	108620	Addresses likelihood of achievement by the end of year:	Y N	
Y N	108700	Parent is provided a copy of the IEP:		
Y N	108800	Special education and related services are provided in accordance with the IEP:		
Y N X	108900	Parent is provided Prior Written Notice for any change of services:		

	109000	**PLACEMENT:**	
Y N X	109100	IEP is developed/revised prior to placement and/or change of placement recommendation:	
Y N	109200	Placement decisions:	
	109210	IEP team makes placement decisions: Y N	
	109220	Placement is determined annually: Y N	
	109230	Based on a continuum of alternative options: Y N	
	109240	Consideration of regular education classroom with supplementary aids and services: Y N	
	109250	Consideration of integration to maximum extent appropriate: Y N	
	109260	As close as possible to the child's home and in school she/he would attend if nondisabled: Y N	
	109270	Annual placement consideration for State Board Operated Programs: Y N X	
Y N X	109300	Notice of Intent/Consent for Initial Placement is provided/obtained:	
Y N X	109400	Notice of Change of Placement is provided:	
Y N X	109500	Date of Consent for Initial Placement is prior to implementation of the IEP:	

Compliance Standards & Indicators
Checklist

Document D
Discipline

Student's Name	Agency Name	Building	Date(s) of Review
Diagnosis	**Date of Birth**	**Grade or Level (if ungraded)**	**Name of Reviewer**

Documented	Number	Legal Requirement	Comment
Y N X	100000	**SHORT TERM SUSPENSIONS:**	
Y N	100100	Removal of ten (10) school days or less in a school year:	
Y N X	100200	**First removal** of a student over ten (10) school days cumulatively in year when no long-term suspension is involved:	
	100210	Date of decision regarding services on 11th school day and thereafter: Y N	
	100220	Listing of participants making decision: Y N	
	100230	Results of decision: Y N	
	100240	Notification of an IEP meeting: Y N	
Y N X	100300	IEP meeting held:	
	100310	Meeting held on or before 10th business-day of a discipline action: Y N	
	100320	IEP team develop and/or review/revise FBA: Y N	
	100330	IEP team develop and/or review/revise BIP: Y N	
Y N X	100400	**Subsequent removal(s)** over ten (10) school days in year when no long-term suspension is involved:	
	100410	Date of decision regarding services: Y N	

	100420	Listing of participants making decision: Y N	
	100430	Results of decision: Y N	
Y N X	100500	IEP Team members review BIP:	
Y N X	100600	One or more IEP team member indicates belief that modifications to BIP are needed:	
	100610	IEP meeting held: Y N	
	100620	Listing of participants making decision: Y N	
	100630	Results of decision: Y N	
Y N X	**100700**	**LONG TERM SUSPENSIONS/EXPULSIONS (DISCIPLINARY CHANGE OF PLACEMENT):**	
Y N	100800	Child suspended in excess of ten (10) consecutive school days or where a pattern of suspension is created:	
	100810	Meeting held on or before 10th school day of a discipline action: Y N	
	100820	IEP team develop and/or review/revise FBA: Y N	
	100830	IEP team develop and/or review/revise BIP: Y N	
	100840	Conduct manifestation determination: Y N	
Y N	100900	Manifestation Determination Review:	
	100910	IEP team considers: evaluation and eligibility results, information from parents, observations, IEP and placement: Y N	
	100920	IEP team determines; appropriateness of IEP, placement, services and behavior interventions; disability did not impair child's judgement nor inhibit control of behavior: Y N	
Y N X	101000	Conduct is found unrelated to disability:	
	101010	IEP team determines type and amount of services to be provided: Y N	

	101020	Parent provided Prior Written Notice for change of placement:	Y N	
Y N X	101100	Conduct is found related to disability:		
Y N X	**101200**	**FORTY-FIVE (45) CALENDAR DAY INTERIM ALTERNATIVE EDUCATIONAL PLACEMENT:**		
Y N X	101300	Forty-five (45) day removal for weapons/drugs:		
	101310	Parent provided copy of *Procedural Safeguards*:	Y N	
	101320	IEP team develops and conducts FBA:	Y N	
	101330	IEP team develops/reviews BIP:	Y N	
	101340	Conduct manifestation determination:	Y N	
	101350	IEP team determines interim alternative educational setting:	Y N	
Y N X	101400	Forty-five (45) day removal for violent/dangerous student:		
	101410	Notify parent of decision:	Y N	
	101420	Parent is provided copy of *Procedural Safeguards*:	Y N	
	101430	File for expedited Due Process Hearing:	Y N	
	101440	IEP team conducts manifestation determination:	Y N	

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Compliance Standards & Indicators
Checklist

Document E
Speech Implementer Model

Agency Name	Date of Review	Name of Reviewer
Supervising SLP Interviewed	**Implementer Interviewed**	

Documented	Number	Legal Requirements	Comments
Y N	100000	Annual approval:	
Y N	100100	Speech pathologist has required credentials:	
Y N	100200	Implementer has required credentials:	
Y N	100300	Speech pathologist's caseload adjusted:	
Y N	100400	Implementer's caseload meets state standards:	
Y N	100500	Written outline describes model:	
Y N	100600	Speech pathologist provides training:	
Y N	100700	Speech pathologist provides supervision:	
Y N	100800	Speech pathologist conducts periodic therapy:	
Y N	100900	Speech pathologist conducts all evaluations:	
Y N	101000	Speech pathologist attends/provides input for eligibility staffing:	
Y N	101100	Speech pathologist participates in the IEP development:	
Y N	101200	Agency recruitment efforts documented:	

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Document F
Transfer Students

Student's Name	Agency Name			Building	Date(s) of Review
Diagnosis	**In-State**	**Out-of-State**	**Date of Birth**	**Grade or Level (if ungraded)**	**Name of Reviewer**

Documented	Number	Legal Requirement	Comment
Y N	100000	Access sheet:	
Y N	100100	Enrollment date:	
X	**100200**	**NO RECORDS RECEIVED AT ENROLLMENT:**	
Y N X	100300	Request for records:	
Y N X	100400	Agency officials conduct interviews:	
Y N X	100500	Child placed in regular education:	
		OR	
Y N X	100600	Interim IEP is developed:	
Y N X	100700	Current evaluation report is not received within 30 calendar days:	
X	**100800**	**TRANSFER FROM ANOTHER MISSOURI AGENCY:**	
Y N	100900	Agency receives and reviews the evaluation report:	
Y N X	101000	Information from evaluation report is not sufficient:	
		OR	
Y N X	101100	Information is sufficient:	
Y N X	101200	No IEP received:	

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Y N X	101300	Agency receives and reviews the IEP:	
Y N X	101400	Agency accepts the IEP:	
		OR	
Y N X	101500	Agency rejects the IEP:	
X	**101600**	**TRANSFERS FROM ANOTHER STATE:**	
Y N X	101700	Agency receives and reviews the evaluation report:	
Y N X	101800	Agency accepts evaluation report:	
		OR	
Y N X	101900	Agency rejects the evaluation report:	
Y N X	102000	Agency receives and reviews the IEP:	
Y N X	102100	Agency accepts the IEP:	
		OR	
Y N X	102200	Agency rejects the IEP:	
		OR	
Y N X	102300	Current IEP is not received:	

Compliance Standards & Indicators
Checklist

Document G-1
ELIGIBILITY CRITERIA: Autism

Student's Name	Agency Name		Building	Date(s) of Review

Diagnosis	Initial or Reevaluation		Date of Birth	Grade or Level (if ungraded)	Name of Reviewer
	I	R			

Documented	Number	Legal Requirement	Comment
Y N	100000	Evaluation procedures include **all of the following**:	
	100010	Review of medical records: Y N	
	100020	Observation of child's behavior across multiple environments: Y N	
	100030	In-depth social history: Y N	
Y N	100100	Disturbance of the communication process in **one (1) or more** of the following:	
	100110	Abnormalities that extend beyond speech to the communication process: Y N X	
	100120	Communicative language absent or lacks communicative intent: Y N X	
	100130	Characteristics involve both deviance and delay: Y N X	
	100140	Deficits in use of language for social communication, both receptive and expressive: Y N X	
		AND	
Y N	100200	Disturbance in the capacity to relate appropriately in **one (1) or more** of the following:	
	100210	Evidence of abnormalities in relating to people, events, or objects: Y N X	
	100220	Deficits in capacity to form relationships with people: Y N X	
	100230	Use of objects in age-appropriate or functional manner absent, arrested, or delayed: Y N X	

	100240	Seeks consistency in environmental events to point of exhibiting rigidity of routine: Y N X	
Y N	100300	Adverse affect on educational performance:	
	100310	Documents all areas of educational performance adversely impacted: Y N X	
	100320	Documents a description of the educational concerns : Y N X	
Y N	100400	Autism is not a result of other factors:	
		AND, IF APPROPRIATE	
Y N X	100500	Disturbance of developmental rates and sequences through **one (1) or more** of the following:	
	100510	Delays, arrests or regressions in physical, social or learning skills: Y N X	
	100520	Areas of precocious development with other normal or depressed developmental rates: Y N X	
	100530	Acquisition does not follow normal developmental patterns: Y N X	
		AND/OR, IF APPROPRIATE	
Y N X	100600	Disturbance of responses to sensory stimuli through **one (1) or more** of the following:	
	100610	Behavior ranges from hyperactive to unresponsive and alternates between two states: Y N X	
	100620	Disturbances in auditory, visual, olfactory, gustatory, tactile, and kinesthetic responses: Y N X	
	100630	Inappropriate responses to stimulation in repetitive and nonmeaningful ways: Y N X	

Compliance Standards & Indicators
Checklist

Document G-2
ELIGIBILITY CRITERIA: Deaf/Blind

Student's Name	Agency Name		Building	Date(s) of Review
Diagnosis	**Initial or Reevaluation**	**Date of Birth**	**Grade or Level (if ungraded)**	**Name of Reviewer**
	I R			

Documented	Number	Legal Requirement	Comment
Y N	100000	Hearing and visual evaluation:	
	100010	Comprehensive evaluation by an audiologist: Y N	
	100020	Comprehensive evaluation by an optometrist or ophthalmologist: Y N	
Y N	100100	Comprehensive educational evaluation:	
	100110	Documents the adverse affects on educational performance: Y N	
	100120	Documents concerns in communication: Y N	
	100130	Documents concerns in development: Y N	
	100140	Documents concerns in education: Y N	

Compliance Standards & Indicators
Checklist

Document G-3
ELIGIBILITY CRITERIA: Emotional Disturbance

Student's Name	Agency Name		Building	Date(s) of Review

Diagnosis	Initial or Reevaluation		Date of Birth	Grade or Level (if ungraded)	Name of Reviewer
	I	R			

Documented	Number	Legal Requirement		Comment
Y N	100000	One (1) or more characteristics of emotional disturbance are present:		
	100010	Inability to learn:	Y N X	
	100020	Inability to build or maintain interpersonal relationships:	Y N X	
	100030	Inappropriate behavior or feelings under normal circumstances:	Y N X	
	100040	Pervasive mood of unhappiness or depression:	Y N X	
	100050	Physical symptoms/fears associated with personal or social problems:	Y N X	
Y N	100100	Evaluation procedures include:		
	100110	Observation of behaviors in different environments:	Y N	
	100120	Social history:	Y N	
Y N	100200	Impact of emotional disturbance:		
	100210	Characteristics exist over an extended period of time:	Y N	
	100220	Characteristics exist to a marked degree:	Y N	
Y N	100300	Adverse affects on educational performance:		

Compliance Standards & Indicators Checklist

Document G-4

ELIGIBILITY CRITERIA: Hearing Impairment/Deafness

Student's Name	Agency Name/Code		Building and/or Level	Date(s) of Review
Diagnosis	**Initial or Reevaluation**	**Date of Birth**	**Grade or Level (if ungraded)**	**Name of Reviewer**
	I R			

Documented	Number	Legal Requirement	Comment
Y N	100000	Hearing evaluation:	
Y N	100100	Comprehensive educational evaluation:	
	100110	Documents the adverse affect(s) on educational performance: Y N	
	100120	Documents a description of the educational concerns: Y N	

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Compliance Standards & Indicators
Checklist

Document G-5
ELIGIBILITY CRITERIA: Mental Retardation

Student's Name	Agency Name/Code		Building and/or Level	Date(s) of Review
Diagnosis	**Initial or Reevaluation**	**Date of Birth**	**Grade or Level (if ungraded)**	**Name of Reviewer**
	I **R**			

Documented	Number	Legal Requirement		Comment
Y N X	100000	Child performs 2.0 standard deviations below peers:		
	100010	Name of the cognitive measure used:	Y N	
	100020	Score obtained:	Y N	
	100030	Statement that score is equal to 2.0 standard deviations from mean:	Y N	
Y N X	100100	Adaptive behavior is consistent with cognitive abilities:		
	100110	Name of the adaptive behavior scale administered:	Y N	
	100120	Results of the evaluation:	Y N	
	100130	Overall score is consistent with cognitive abilities:	Y N	
		OR		
Y N X	100200	Professional judgment:		
		AND		
Y N	100300	Reduced cognitive ability and adaptive behavior adversely affects educational performance:		
	100310	Documents the adverse affect on educational performance:	Y N	
	100320	Documents the specific areas impacted:	Y N	

Compliance Standards & Indicators
Checklist

Document G-6
ELIGIBILITY CRITERIA: Multiple Disabilities

Student's Name	Agency Name/Code		Building and/or Level	Date(s) of Review
Diagnosis	**Initial or Reevaluation**	**Date of Birth**	**Grade or Level (if ungraded)**	**Name of Reviewer**
	I R			

Documented	Number	Legal Requirement	Comment
Y N X	100000	Two (2) diagnosed physical/sensory impairments:	
	100010	Physical evaluation: Y N X	
		AND	
	100020	Visual evaluation: Y N X	
		OR	
	100030	Auditory evaluation: Y N X	
Y N X	100100	One (1) diagnosed physical/sensory impairment and a concomitant disabling condition:	
	100110	Physical evaluation: Y N X	
		OR	
	100120	Visual evaluation: Y N X	
		OR	
	100130	Auditory evaluation: Y N X	
		AND	

	100140	Concomitant disabling condition: Y N X	
Y N X	100200	Comprehensive educational evaluation:	
	100210	Documents the adverse affect on educational performance: Y N	
	100220	Documents the educational concerns: Y N	

Compliance Standards & Indicators
Checklist

Document G-7

ELIGIBILITY CRITERIA: Orthopedic Impairment

Student's Name	Agency Name/Code		Building and/or Level	Date(s) of Review

Diagnosis	Initial or Reevaluation		Date of Birth	Grade or Level (if ungraded)	Name of Reviewer
	I	R			

Documented	Number	Legal Requirement	Comment
Y N	100000	Orthopedic evaluation:	
Y N	100100	Comprehensive educational evaluation:	
	100110	Documents adverse affects on educational performance: Y N	
	100120	Documents a description of educational concerns: Y N	

Compliance Standards & Indicators
Checklist

Document G-8
ELIGIBILITY CRITERIA: Other Health Impairments

Student's Name	Agency Name/Code		Building and/or Level	Date(s) of Review
Diagnosis	**Initial or Reevaluation**	**Date of Birth**	**Grade or Level (if ungraded)**	**Name of Reviewer**
	I R			

Documented	Number	Legal Requirement	Comment
Y N	100000	Health evaluation:	
	100010	The diagnosis of a chronic or acute health problem: Y N	
	100020	Health impairment results in limited strength, vitality or alertness: Y N	
Y N	100100	Comprehensive educational evaluation:	
	100110	Documents the adverse affects on educational performance: Y N	
	100120	Documents a description of educational concerns: Y N	

Compliance Standards & Indicators
Checklist

Document G-9
ELIGIBILITY CRITERIA: Specific Learning Disabilities

Student's Name	Agency Name		Building	Date(s) of Review
Diagnosis	**Initial or Reevaluation**	**Date of Birth**	**Grade or Level (if ungraded)**	**Name of Reviewer**
	I R			

Documented	Number	Legal Requirement	Comment
Y N	100000	Basic psychological processing deficits identified in one (1) or more areas:	
	100010	Basic reading skills: Y N X	
	100020	Reading comprehension: Y N X	
	100030	Written expression: Y N X	
	100040	Math calculation: Y N X	
	100050	Math reasoning: Y N X	
	100060	Listening comprehension: Y N X	
	100070	Oral expression: Y N X	
Y N	100100	Behavioral characteristics identified in deficit area(s) of basic psychological processing:	
Y N	100200	Impact of each basic psychological processing deficit is addressed:	
Y N	100300	Behavioral characteristics identified through one (1) or more of the following:	
	100310	Behavioral observation: Y N X	
	100320	Structural clinical task: Y N X	
	100330	Other method (explain): Y N X	

Y N	100400	Observation of academic performance:	
	100410	Name and role of observer: Y N	
	100420	Location(s) of observation(s) : Y N	
	100430	Documents relevant behavior and academic performance: Y N	
	100440	Documents relationship of behavior and performance to academic functioning: Y N	
Y N X	100500	Severe discrepancy between achievement and ability:	
	100510	Full scale score obtained with cognitive measure: _____ Y N	
	100520	Criterion level (1.5 standard deviation from cognitive score): _____ Y N	
	100530	Achievement score(s): Basic reading skills _____ Y N X Reading comprehension _____ Y N X Written expression _____ Y N X Math calculation _____ Y N X Math reasoning _____ Y N X Listening comprehension _____ Y N X Oral comprehension _____ Y N X	
		OR	
Y N X	100600	Professional judgment determines significant discrepancy is present even though criterion level not met:	
		AND	
Y N X	100700	Medical findings:	
Y N	100800	Learning disabilities not primarily the result of specific factors:	
	100810	Visual, hearing or motor deficits: Y N	
	100820	Mental retardation: Y N	
	100830	Emotional disturbance: Y N	

	100840	Environmental, cultural or economic disadvantage: Y N	
Y N	100900	Evaluation report reflects each professional team member's conclusion:	
	100910	Dissenting statement attached, when applicable: Y N X	

Compliance Standards & Indicators
Checklist

Document G-10
ELIGIBILITY CRITERIA: Language Impairment

Student's Name	Agency Name/Code		Building and/or Level	Date(s) of Review

Diagnosis	Initial or Reevaluation		Date of Birth	Grade or Level (if ungraded)	Name of Reviewer
	I	R			

Documented	Number	Legal Requirement	Comment
Y N X	100000	Consistent, inappropriate use in one (1) or more of the structures of language:	
	100010	Morphology: Y N X	
	100020	Syntax: Y N X	
	100030	Semantics: Y N X	
	100040	Pragmatics: Y N X	
Y N X	100100	Language structures measured through one (1) or more of the following techniques:	
	100110	Language sample: Y N X	
	100120	Structured clinical task: Y N X	
Y N X	100200	Level of language functioning:	
	100210	Cognitive assessment results: cognitive score: _____ Y N X standard deviation: _____ Y N X	

	100220	Results for two (2) standardized language assessments: Test 1: _____ Y N X Test 2: _____ Y N X	
		OR	
Y N X	100300	Professional judgment:	
Y N X	100400	Adverse educational impact:	
Y N X	100500	The language disorder is not primarily a result of other factors:	

Compliance Standards & Indicators

Document G-11

Checklist — ELIGIBILITY CRITERIA: Sound System Disorder (Articulation and/or Phonology)

Student's Name	Agency Name		Building	Date(s) of Review

Diagnosis	Initial or Reevaluation		Date of Birth	Grade or Level (if ungraded)	Name of Reviewer
	I	R			

Documented	Number	Legal Requirement	Comment
Y N X	100000	Report identifies delay in correct sound production in one (1) of the following:	
	100010	Phonological pattern(s) : Y N X	
	100020	Substitution(s): Y N X	
	100030	Omission(s) : Y N X	
	100040	Distortion(s) : Y N X	
	100050	Addition(s) : Y N X	
Y N X	100100	Extent sound production is outside normal development:	
Y N	100200	Sound system evaluations:	
	100210	Errors identified by using a single word test and/or sentence/phrase repetition task: Y N	
		AND	
	100220	Speech sampling procedure: Y N	
		OR	
Y N X	100300	Professional judgment:	
Y N X	100400	Adverse educational impact:	
Y N X	100500	Dialectal differences and second language influence:	

Compliance Standards & Indicators
Checklist

Document G-12
ELIGIBILITY CRITERIA: Speech-Fluency

Student's Name	Agency Name		Building	Date(s) of Review
Diagnosis	**Initial or Reevaluation**	**Date of Birth**	**Grade or Level (if ungraded)**	**Name of Reviewer**
	I R			

Documented	Number	Legal Requirement	Comment
Y N X	100000	Exhibits one (1) or more symptomatic behaviors of dysfluency:	
	100010	Sound, syllable, or word repetitions: Y N X	
	100020	Prolongation of sounds, syllables, or words: Y N X	
	100030	Blocking: Y N X	
	100040	Hesitations: Y N X	
Y N X	100100	Report addresses the following related to the speech sample:	
	100110	Method of elicitation: Y N	
	100120	Settings in which sample occurred: Y N	
	100130	Analysis procedures used: Y N	
	100140	Description of dysfluency: Y N	
Y N X	100200	Reports number or rate of dysfluencies in one (1) of the following ways:	
	100210	Five (5) dysfluencies per minute in each context: Y N X	
	100220	A dysfluency rate of 10% or greater: Y N X	
		OR	
Y N X	100300	Professional judgment:	
Y N X	100400	Adverse educational impact:	

Compliance Standards & Indicators Checklist

Document G-13
ELIGIBILITY CRITERIA: Speech-Voice

Student's Name	Agency Name		Building	Date(s) of Review

Diagnosis	Initial or Reevaluation		Date of Birth	Grade or Level (if ungraded)	Name of Reviewer
	I	R			

Documented	Number	Legal Requirement				Comment
Y N	100000	Deviation in **one (1) or more** of the parameters of voice:				
	100010	Pitch:	Y	N	X	
	100020	Quality:	Y	N	X	
	100030	Volume:	Y	N	X	
Y N	100100	Voice is discrepant from the norm:				
Y N	100200	Voice disorder adversely affects educational performance:				
Y N	100300	Voice disorder is not the result of temporary problems:				

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Compliance Standards & Indicators Checklist

Document G-14

ELIGIBILITY CRITERIA: Traumatic Brain Injury

Student's Name	Agency Name/Code	Building and/or Level	Date(s) of Review

Diagnosis	Initial or Reevaluation		Date of Birth	Grade or Level (if ungraded)	Name of Reviewer
	I	R			

Documented	Number	Legal Requirement	Comment
Y N X	100000	Diagnosis of brain injury/head injury:	
		OR	
Y N X	100100	Professional judgment:	
		AND	
Y N	100200	Adverse affect on educational performance:	
Y N	100300	Deficits in current function capabilities:	
	100310	Documents deficits in building and maintaining social competence: Y N X	
	100320	Documents deficits in performing functional daily living skills across settings: Y N X	
	100330	Documents deficits in ability to acquire and retain new skills: Y N X	
	100340	Documents ability to retrieve prior information: Y N X	

Compliance Standards & Indicators
Checklist

Document G-15
ELIGIBILITY CRITERIA: Visual Impairment/Blindness

Student's Name	Agency Name/Code		Building and/or Level	Date(s) of Review
Diagnosis	**Initial or Reevaluation**	**Date of Birth**	**Grade or Level (if ungraded)**	**Name of Reviewer**
	I R			

Documented	Number	Legal Requirement		Comment
Y N	100000	Visual evaluation:		
Y N	100100	Visual acuity addressed through one (1) of the following:		
	100110	Visual impairment:	Y N X	
	100120	Blindness:	Y N X	
	100130	Progressive vision loss:	Y N X	
Y N	100200	Comprehensive educational evaluation:		
	100210	Documents the adverse affects on educational performance:	Y N X	
	100220	Documents a description of the educational concerns:	Y N X	

Compliance Standards & Indicators
Checklist

Document G-16

ELIGIBILITY CRITERIA: Young Child With a Developmental Delay

Student's Name	Agency Name/Code		Building and/or Level	Date(s) of Review
Diagnosis	**Initial or Reevaluation**	**Date of Birth**	**Grade or Level (if ungraded)**	**Name of Reviewer**
	I R			

Documented	Number	Legal Requirement	Comment
Y N X	100000	Evaluation procedures include results of formal or informal assessment:	
Y N X	100100	Identification based on multiple delays (2 or more):	
	100110	Cognitive: Y N X	
	100120	Adaptive: Y N X	
	100130	Social/Emotional: Y N X	
	100140	Communication: Y N X	
	100150	Physical: Y N X	
		OR	
Y N X	100200	Identification based on a single delay:	
	100210	Cognitive: Y N X	
	100220	Adaptive: Y N X	
	100230	Social/Emotional: Y N X	
	100240	Communication: Y N X	
	100250	Physical: Y N X	

		OR	
Y N X	100300	Identification based on professional judgment:	
	100310	States child would regress without special education: Y N	
	100320	Data demonstrates functioning above criteria: Y N	
	100330	Information regarding early intervention services: Y N	

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Section IV

Appendices
A-E

Appendix A

Special Education Placements

Early Childhood Placement Options

Early Childhood Setting
Children with disabilities who receive all of their special education and related services in educational programs designed primarily for children without disabilities. No education or related services are provided in separate special education settings.

Early Childhood
Special Education Setting
Children with disabilities who receive all of their special education and related services in educational programs designed primarily for children with disabilities housed in regular school buildings or other community-based settings. No education or related services as designated by an IEP are provided in early childhood settings.

Home
Children with disabilities who receive all of their special education and related services in the principal residence of the child's family or caregivers.

Part Time EC/ Part time ECSE Setting
Children with disabilities who receive all of their special education and related services in multiple settings, such that: (1) general and/or special education and related services are provided at home or in educational programs designed primarily for children without disabilities, AND (2) special education and related services are provided in programs designed primarily for children with disabilities.

Residential Facility
Children with disabilities who receive all of their special education and related services in publicly or privately operated residential schools or residential medical facilities on an inpatient basis.

Separate School
Children with disabilities who receive all of their special education and related services in educational programs in public or private day schools specifically for children with disabilities.

Itinerant Service Outside the Home
Children with disabilities who receive all of their special education and related services at a school, hospital facility on an outpatient basis, or other location for a short period of time (i.e., no more than 3 hours per week). (This does not include children receiving services at home.) These services may be provided individually or to a small group of children.

Kindergarten - Grade 12 Placement Continuum

Outside Regular Class
Less Than 21 percent of day
Children with disabilities who receive special education and related services outside the regular classroom for less than 21 percent of the school day.

Outside Regular Class
At least 21 percent / No more than 60 percent
Children with disabilities who receive all of their special education and related services outside the regular classroom for at least 21 percent but no more than 60 percent of the school day.

Outside Regular Class
More than 60 percent of day
Children with disabilities who receive all of their special education and related services outside the regular classroom for more that 60 percent of the school day. This category does not include children who received education programs in public or private separate day or residential facilities.

Public Separate (Day) Facility
Children with disabilities who receive all of their special education and related services for greater than 50 percent of the school day in public separate facilities.

Private Separate (Day) Facility
Children with disabilities who receive all of their special education and related services, at public expense, for greater than 50 percent of the school day in private separate facilities.

Public Residential Facility
Children with disabilities who receive all of their special education and related services for greater than 50 percent of the school day in public residential facilities.

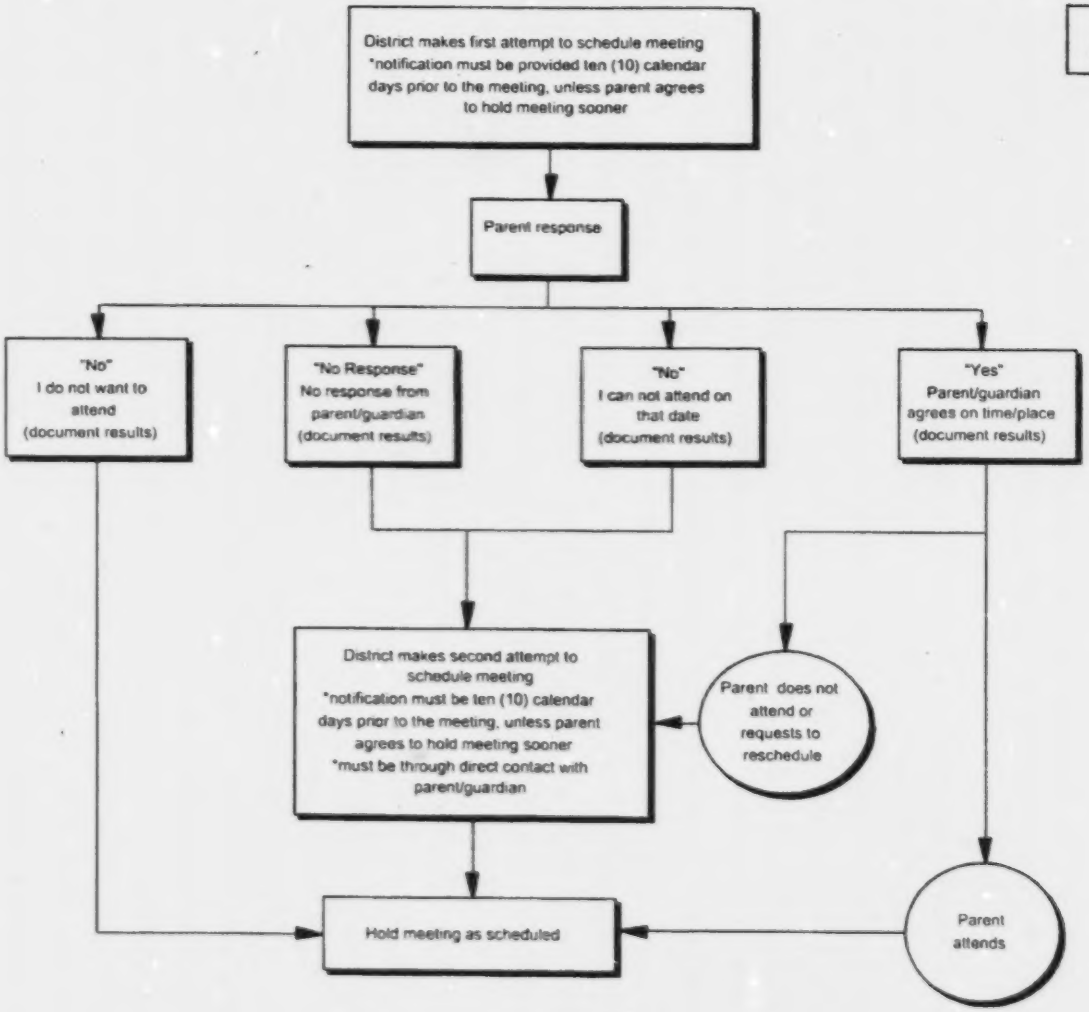
Private Residential Facility
Children with disabilities who receive all of their special education and related services, at public expense, for greater than 50 percent of the school day in private residential facilities.

Homebound/Hospital
Children with disabilities who receive all of their special education and related services in hospital programs or homebound programs.

Parent Participation in Meetings Chart

(See Questions and Answers for additional information on this process)
Source: Missouri Department of Elementary and Secondary Education, Special Education Compliance

Appendix B



Appendix B

Parent Participation in Meetings

1. When must parents be included in meetings?

Parents must be provided the opportunity to participate in meetings with respect to the identification, evaluation, educational placement and provision of FAPE to the child.

2. Are there times when district personnel are meeting to discuss issues surrounding a child with an IEP that the parent would not have to be invited to participate?

Yes. According to the regulations implementing IDEA, a "meeting" does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the child's IEP. A "meeting" also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting. The basic rule of thumb is that, if a meeting is being held to make a final decision regarding the identification, evaluation, placement or provision of FAPE, the parent must be provided the opportunity to participate.

3. What steps must a public agency take to demonstrate that they have provided the parent(s) with an opportunity to participate in a meeting?

State regulations require the public agency to make two attempts to convince the parent to attend at meeting before they hold the meeting without the parent in attendance. On each attempt, the agency must provide the parent with at least ten (10) calendar days prior notification unless the parent agrees to hold the meeting sooner.

A direct contact with the parent/guardian is not required for the first attempt to schedule a meeting. A public agency could have the child take the meeting notification home from school or they could send a message via e-mail. The second attempt to schedule a meeting must be a direct contact with the parent/guardian.

A direct contact **is**:

- Phone contact
- Face to face contact
- US Mail- regular or certified

A direct contact **is not**:

- Fax
- Voice mail
- Email
- Hand carried by student
- Answering machine

4. How many days are required for a public agency to notify parents for a meeting?

Ten (10) calendar days prior notification is required unless the parent waives this time frame.

5. How many days after the eligibility staffing does a public agency have to hold an IEP meeting?

According to state regulations, there are no exceptions to the requirement for holding the IEP meeting within thirty (30) days of the date of the eligibility determination staffing.

6. When meeting compliance timelines is an issue, is waiting to establish a date that will work for everyone that needs to participate in the meeting an acceptable justification to go beyond timelines?

When timelines are an issue, waiting to establish a date that will work for everyone on the team would not be an acceptable justification to go beyond the date. However, the public agency must begin the process of scheduling the meeting in sufficient time to allow for two attempts to be made if necessary.

7. Is the public agency required to schedule IEP meetings to accommodate the schedule(s) of others that the parents want to include in the meeting (e.g., advocates)?

Parents have the right to invite others to an IEP meeting. The school needs to follow the procedures using two (2) attempts if necessary to accommodate the parents' schedule. If it is possible within those parameters to arrange a time that works for the people the parents want to invite, that's obviously best, but is not required.

8. If the public agency proposed a number of dates at one time, does that equate to more than one attempt?

If this is the public agency's first attempt and the public agency is trying to negotiate by phone or in person and the parent will not accept any dates present, you would need to set a date and count it as your first attempt. The fact that the district proposed a number of dates at one time does not equate to more than one date.

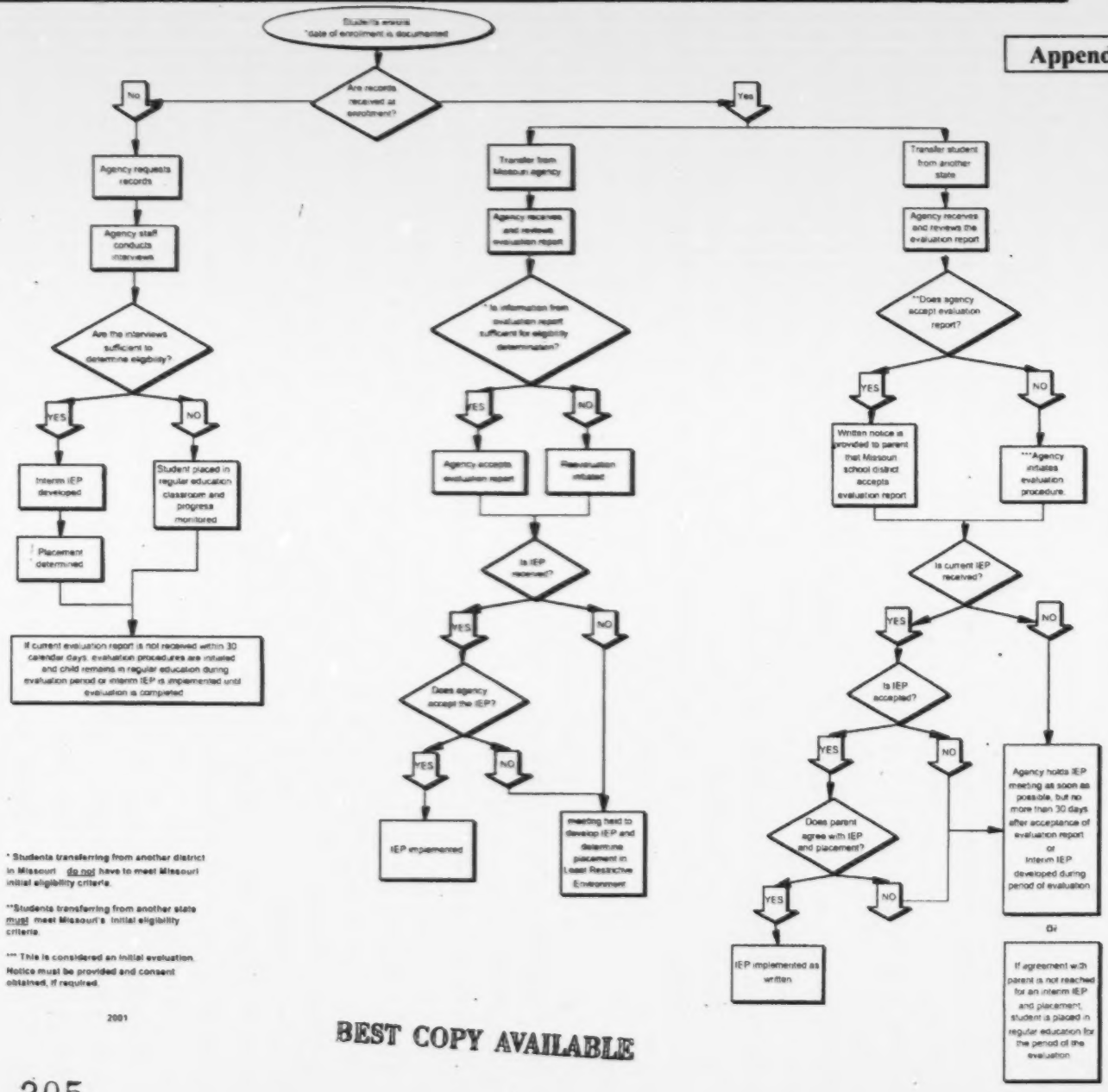
9. If the public agency suspends a meeting and needs to schedule another one, is the agency required to make two attempts before that meeting can be held?

When it is necessary to suspend a meeting and continue at another time, the agency should try to schedule the next meeting as soon as possible. The agency should try to stay within required timelines, but the two (2) attempts requirements still apply in this case.

Flow Chart for Transfer Students
Part B Individuals with Disabilities Act (IDEA)

Source: Missouri Department of Elementary and Secondary Education, Special Education Compliance

Appendix C



* Students transferring from another district in Missouri do not have to meet Missouri initial eligibility criteria.

**Students transferring from another state must meet Missouri's initial eligibility criteria.

*** This is considered an initial evaluation. Notice must be provided and consent obtained, if required.

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Appendix D

PERFORMANCE GOALS AND INDICATORS

The State of Missouri has established the following goals for the performance of children with disabilities in Missouri. These goals promote the purposes of IDEA and are consistent, to the maximum extent appropriate, with goals and standards that have been established by the state for all children:

A. The performance level of children who receive special education services prior to age 5 will increase on the School Entry Profile.

B. The percentage of students with disabilities in Grade 3 and 7 who are proficient readers will increase, while the percentage that have Missouri Assessment Programs - Communication Arts (MAP-CA) read to them will decrease.

C. The percentage of students with disabilities scoring at the Step 1 and Progressing achievement level will decrease, while the percentage of students with disabilities scoring at Proficient and Advanced will increase for each of the MAP subject area assessments.

D. The percentage of students with disabilities graduating with a regular diploma will increase.

E. The percentage of students with disabilities that drop out of school will decrease.

F. The percentage of students with disabilities participating in vocational preparation programs is consistent with the percentage of participation in the general population of students.

G. The percentage of students with disabilities employed or enrolled in continuing education six months post vocational training will increase or be maintained at a high level.

H. The percentage of students with disabilities employed or enrolled in continuing education six months post graduation will increase or be maintained at a high level

Every two (2) years the Missouri Department of Elementary and Secondary Education will report to the Secretary of Education and the public of Missouri, the progress of the State and of the children with disabilities in the State, toward meeting these goals. Based upon the assessm :nt of the progress, the State will revise its State Improvement Plan as needed to improve its performance.

APPENDIX A TO PART 300—NOTICE OF INTERPRETATION

I. Involvement and Progress of Each Child with a Disability in the General Curriculum

1. What are the major Part B IEP requirements that govern the involvement and progress of children with disabilities in the general curriculum?
2. Must a child's IEP address his or her involvement in the general curriculum, regardless of the nature and severity of the child's disability and the setting in which the child is educated?
3. What must public agencies do to meet the requirements at §§300.344(a)(2) and 300.346(d) regarding the participation of a "regular education teacher" in the development review, and revision of the IEPs, for children aged 3 through 5 who are receiving special education and related services?
4. Must the measurable annual goals in a child's IEP address all areas of the general curriculum, or only those areas in which the child's involvement and progress are affected by the child's disability?

II. Involvement of Parents and Students

5. What is the role of the parents, including surrogate parents, in decisions regarding the educational program of their children?
6. What are the Part B requirements regarding the participation of a student (child) with a disability in an IEP meeting?
7. Must the public agency inform the parents of who will be at the IEP meeting?
8. Do parents have the right to a copy of their child's IEP?
9. What is a public agency's responsibility if it is not possible to reach consensus on what services should be included in a child's IEP?
10. Does Part B require that public agencies inform parents regarding the educational progress of their children with disabilities?

III. Preparing Students with Disabilities for Employment and Other Post-School Experiences

11. What must the IEP team do to meet the requirements that the IEP include a statement of "transition service needs" beginning at age 14 (§300.347(b)(1), and a statement of "needed transition services" beginning at age 16 (§300.347(b)(2)?
12. Must the IEP for each student with a disability, beginning no later than age 16, include all "needed transition services," as identified by the IEP team and consistent with the definition at §300.29, even if an agency other than the public agency will provide those services? What is the public agency's responsibility if another agency fails to provide agreed-upon transition services?
13. Under what circumstances must a public agency invite representatives from other agencies to an IEP meeting at which a child's need for transition services will be considered?

IV. Other Questions Regarding Implementation of IDEA

14. For a child with a disability receiving special education for the first time, when must an IEP be developed—before placement or after placement?
15. Who is responsible for ensuring the development of IEPs for children with disabilities served by a public agency other than an LEA?
16. For a child placed out of State by an educational or non-educational State or local agency, is the placing or receiving State responsible for the child's IEP?
17. If a disabled child has been receiving special education from one public agency and transfers to another public agency in the same State, must the new public agency develop an IEP before the child can be placed in a special education program?
18. What timelines apply to the development and implementation of an initial IEP for a child with a disability?
19. Must a public agency hold separate meetings to determine a child's eligibility for special education and related services, develop the child's IEP, and determine the child's placement, or may the agency meet all of these requirements in a single meeting?
20. How frequently must a public agency conduct meetings to review, and if appropriate revise, the IEP for each child with a disability?
21. May IEP meetings be audio or video-tape-recorded?
22. Who can serve as the representative of the public agency at an IEP meeting?
23. For a child with a disability being considered for initial placement in special education, which teacher or teachers should attend the IEP meeting?
24. What is the role of a regular education teacher in the development, review, and revision of the IEP for a child who is, or may be, participating in the regular education environment?
25. If a child with a disability attends several regular classes, must all of the child's regular education teachers be members of the child's IEP team?
26. How should a public agency determine which regular education teacher and special education teacher will members of the IEP team for a particular child with a disability?
27. For a child whose primary disability is a speech impairment, may a public agency meet its responsibility under §300.344(a)(3) to ensure that the IEP team includes "at least one special education teacher, or, if appropriate, at least one special education provider of the child" by including a speech-language pathologist on the IEP team?
28. Do public agencies and parents have the option of having any individual of their choice attend a child's IEP meeting as participants on their child's IEP team?
29. Can parents or public agencies bring their attorneys to IEP meetings, and, if so under what circumstances? Are attorney's fees available for parents' attorneys if the parents are prevailing parties in actions or proceedings brought under Part B?
30. Must related services personnel attend IEP meetings?
31. Must the public agency ensure that all services specified in a child's IEP are provided?
32. Is it permissible for an agency to have the IEP completed before the IEP meeting begins?

33. Must a public agency include transportation in a child's IEP as a related service?

34. Must a public agency provide related services that are required to assist a child with a disability to benefit from special education, whether or not those services are included in the list of related services in §300.24?

35. Must the IEP specify the amount of services or may it simply list the services to be provided?

36. Under what circumstances is a public agency required to permit a child with a disability to use a school-purchased assistive technology device in the child's home or in another setting?

37. Can the IEP team also function as the group making the placement decision for a child with a disability?

38. If a child's IEP includes behavioral strategies to address a particular behavior, can a child ever be suspended for engaging in that behavior?

39. If a child's behavior in the regular classroom, even with appropriate interventions, would significantly impair the learning of others, can the group that makes the placement decision determine that placement in the regular classroom is inappropriate for that child?

40. May school personnel during a school year implement more than one short-term removal of a child with disabilities from his or her classroom or school for misconduct?

Authority: Part B of the Individuals with Disabilities Education Act (20 U.S.C. 1401, et seq.), unless otherwise noted.

Individualized Education Programs (IEPs) and Other Selected Implementation Issues

Interpretation of IEP and Other selected Requirements under. Part B of the Individuals with Disabilities Education Act (IDEA; Part B)

Introduction

The IEP requirements under Part B of the IDEA emphasize the importance of three core concepts: (1) the involvement and progress of each child with a disability in the general curriculum including addressing the unique needs that arise out of the child's disability; (2) the involvement of parents and students, together with regular and special education personnel, in making individual decisions to support each student's (child's) educational success, and (3) the preparation of students with disabilities for employment and other post-school activities.

The first three sections of this Appendix (I-III) provide guidance regarding the IEP requirements as they relate to the three core concepts described above. Section IV addresses other questions regarding the development and content of IEPs, including questions about the timelines and responsibility for developing and implementing IEPs, participation in IEP meetings, and IEP content. Section IV also addresses questions on other selected requirements under IDEA.

I. Involvement and Progress of Each Child With a Disability in the General Curriculum

In enacting the IDEA Amendments of 1997, the Congress found that research, demonstration, and practice over the past 20 years in special education and related disciplines have demonstrated that an effective educational system now and in the future must maintain high academic standards and clear performance goals for children with disabilities, consistent with the standards and expectations for all students in the educational system, and provide for appropriate and effective strategies and methods to ensure that students who are children with disabilities have maximum opportunities to achieve those standards and goals. [Section 651(a)(6)(A) of the Act.]

Accordingly, the evaluation and IEP provisions of Part B place great emphasis on the involvement and progress of children with disabilities in the general curriculum.

(The term "general curriculum," as used in these regulations, including this Appendix, refers to the curriculum that is used with nondisabled children.)

While the Act and regulations recognize that IEP teams must make individualized decisions about the special education and related services, and supplementary aids and services, provided to each child with a disability, they are driven by IDEA's strong preference that, to the maximum extent appropriate, children with disabilities be educated in regular classes with their nondisabled peers with appropriate supplementary aids and services.

In many cases, children with disabilities will need appropriate supports in order to successfully progress in the general curriculum, participate in State and district-wide assessment programs, achieve the measurable goals in their IEPs, and be educated together with their nondisabled peers. Accordingly, the Act requires the IEP team to determine, and the public agency to provide, the accommodations, modifications, supports, and supplementary aids and services, needed by each child with a disability to successfully be involved in and progress in the general curriculum achieve the goals of the IEP, and successfully demonstrate his or her competencies in State and district-wide assessments.

1. What are the major Part B IEP requirements that govern the involvement and progress of children with disabilities in the general curriculum?

Present Levels of Educational Performance

Section 300.347(a)(1) requires that the IEP for each child with a disability include " ... a statement of the child's present levels of educational performance, including—(i) *how the child's disability affects the child's involvement and progress in the general curriculum*; or (ii) *for preschool children, as appropriate, how the child's disability affects the child's participation in appropriate activities ...*" (Italics added.) ("Appropriate activities" in this context refers to age-relevant developmental abilities or milestones that typically developing children of the same age would be performing or would have achieved.)

The IEP team's determination of how each child's disability affects the child's involvement and progress in the general curriculum is a primary consideration in the development of the child's IEP. In assessing children with disabilities, school districts may use a variety of assessment techniques to determine the extent to which these children can be involved and progress in the general curriculum, such as criterion-referenced tests, standard achievement tests, diagnostic tests, other tests, or any combination of the above.

The purpose of using these assessments is to determine the child's present levels of educational performance and areas of need arising from the child's disability so that approaches for ensuring the child's involvement and progress in the general curriculum and any needed adaptations or modifications to that curriculum can be identified.

Measurable Annual Goals, including Benchmarks or Short-term Objectives

Measurable annual goals, including benchmarks or short-term objectives, are critical to the strategic planning process used to develop and implement the IEP for each child with a disability. Once the IEP team has developed measurable annual goals for a child, the team (1) can develop strategies that will be most effective in realizing those goals and (2) must develop either measurable, intermediate steps (short-term objectives) or major milestones (benchmarks) that will enable parents, students, and educators to monitor progress during the year, and, if appropriate, to revise the IEP consistent with the student's instructional needs.

The strong emphasis in Part B on linking the educational program of children with disabilities to the general curriculum is reflected in §300.347(a)(2), which requires that the IEP include:

a statement of measurable annual goals, including benchmarks or short-term objectives, related to—(i) *meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum*; and (ii) meeting each of the child's other educational needs that result from the child's disability.[italics added]

As noted above, each annual goal must include either short-term objectives or benchmarks. The purpose of both is to enable a child's teacher(s), parents, and others

involved in developing and implementing the child's IEP, to gauge, at intermediate times during the year, how well the child is progressing toward achievement of the annual goal. IEP teams may continue to develop short-term instructional objectives, that generally break the skills described in the annual goal down into discrete components. The revised statute and regulations also provide that, as an alternative, IEP teams may develop benchmarks, which can be thought of as describing the amount of progress the child is expected to make within specified segments of the year. Generally, benchmarks establish expected performance levels that allow for regular checks of progress that coincide with the reporting periods for informing parents of their child's progress toward achieving the annual goals. An IEP team may use either short term objectives or benchmarks or a combination of the two depending on the nature of the annual goals and the needs of the child.

Special Education and Related Services and Supplementary Aids and Services

The requirements regarding services provided to address a child's present levels of educational performance and to make progress toward the identified goals reinforce the emphasis on progress in the general curriculum, as well as maximizing the extent to which children with disabilities are educated with nondisabled children. Section 300.347(a)(3) requires that the IEP include:

a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child—(i) to advance appropriately toward attaining the annual goals; (ii) *to be involved and progress in the general curriculum* ... and to participate in extracurricular and other nonacademic activities; and (iii) *to be educated and participate with other children with disabilities and nondisabled children in [extracurricular and other nonacademic activities]* ... [Italics added.]

Extent to Which Child Will Participate With Nondisabled Children

Section 300.347(a)(4) requires that each child's IEP include "An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in [extracurricular and other nonacademic] activities ....." This is consistent with the least restrictive environment (LRE) provisions at §§300.550-300.553, which include requirements that:

(1) each child with a disability be educated with nondisabled children to the maximum extent appropriate (§300.550(b)(1));

(2) each child with a disability be removed from the regular educational environment only when the nature or severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily (§300.550(b)(1)); and

(3) to the maximum extent appropriate to the child's needs, each child with a disability participates with nondisabled children in nonacademic and extracurricular services and activities (§300.553).

All services and educational placements under Part B must be individually determined in light of each child's unique abilities and needs, to reasonably promote the child's educational success. Placing children with disabilities in this manner should enable each disabled child to meet high expectations in the future.

Although Part B requires that a child with a disability not be removed from the regular educational environment if the child's education can be achieved satisfactorily in regular classes with the use of supplementary aids and services, Part B's LRE principle is intended to ensure that a child with a disability is served in a setting where the child can be educated successfully. Even though IDEA does not mandate regular class placement for every disabled student, IDEA presumes that the first placement option considered for each disabled student by the student's placement team, which must include the parent, is the school the child would attend if not disabled, with appropriate supplementary aids and services to facilitate such placement. Thus, before a disabled child can be placed outside of the regular educational environment, the full range of supplementary aids and services that if provided would facilitate the student's placement in the regular classroom setting must be considered. Following that consideration, if a determination is made that particular disabled student cannot be educated satisfactorily in the regular educational environment, even with the provision

of appropriate supplementary aids and services, that student then could be placed in a setting other than the regular classroom. Later, if it becomes apparent that the child's IEP can be carried out in a less restrictive setting, with the provision of appropriate supplementary aids and services, if needed, Part B would require that the child's placement be changed from the more restrictive setting to a less restrictive setting. In all cases, placement decisions must be individually determined on the basis of each child's abilities and needs, and not solely on factors such as category of disability, significance of disability, availability of special education and related services, configuration of the service delivery system, availability of space, or administrative convenience. Rather, each student's IEP forms the basis for the placement decision.

Further, a student need not fail in the regular classroom before another placement can be considered. Conversely, IDEA does not require that a student demonstrate achievement of a specific performance level as a prerequisite for placement into a regular classroom.

Participation in State or District-wide Assessments of Student Achievement

Consistent with §300.138(a), which sets forth a presumption that children with disabilities will be included in general State and district-wide assessment programs, and provided with appropriate accommodations if necessary, §300.347(a)(5) requires that the IEP for each student with a disability include: "(i) a statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and (ii) if the IEP team determines that the child will not participate in a particular State or district-wide assessment of student achievement (or part of an assessment of student achievement), a statement of—(A) Why that assessment is not appropriate for the child; and (B) How the child will be assessed."

Regular Education Teacher Participation in the Development, Review, and Revision of IEPs

Very often, regular education teachers play a central role in the education of children with disabilities (H. Rep. No. 105-95, p. 103 (1997); S. Rep. No. 105-17, p. 23 (1997)) and have important expertise regarding the general curriculum and the general education environment. Further, with the emphasis on involvement and progress in the general curriculum added by the IDEA Amendments of 1997, regular education teachers have an increasingly critical role (together with special education and related services personnel) in implementing the program of FAPE for most children with disabilities, as described in their IEPs.

Accordingly, the IDEA Amendments of 1997 added a requirement that each child's IEP team must include at least one regular education teacher of the child, if the child is, or may be, participating in the regular education environment (see §300.344(a)(2)). (See also §§300.346(d) on the role of a regular education teacher in the development, review and revision of IEPs.)

2. Must a child's IEP address his or her involvement in the general curriculum, regardless of the nature and severity of the child's disability and the setting in which the child is educated?

Yes. The IEP for each child with a disability (including children who are educated in separate classrooms or schools) must address how the child will be involved and progress in the general curriculum. However, the Part B regulations recognize that some children have other educational needs resulting from their disability that also must be met, even though those needs are not directly linked to participation in the general curriculum.

Accordingly, §300.347(a)(1)(2) requires that each child's IEP include:

A statement of measurable annual goals, including benchmarks or short-term objectives related to—(i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum; and (ii) meeting each of the child's other educational needs that result from the child's disability. [Italics added.]

Thus, the IEP team for each child with a disability must make an individualized determination regarding (1) how the child will be involved and progress in the general

curriculum and what needs that result from the child's disability must be met to facilitate that participation; (2) whether the child has any other educational needs resulting from his or her disability that also must be met; and (3) what special education and other services and supports must be described in the child's IEP to address both sets of needs (consistent with §300.347(a)). For example, if the IEP team determines that in order for a child who is deaf to participate in the general curriculum he or she needs sign language and materials which reflect his or her language development, those needs (relating to the child's participation in the general curriculum) must be addressed in the child's IEP. In addition, if the team determines that the child also needs to expand his or her vocabulary in sign language that service must also be addressed in the applicable components of the child's IEP. The IEP team may also wish to consider whether there is a need for members of the child's family to receive training in sign language in order for the child to receive FAPE.

3. What must public agencies do to meet the requirements at §§300.344(a)(2) and 300.346(d) regarding the participation of a "regular education teacher" in the development, review, and revision of IEPs, for children aged 3 through 5 who are receiving preschool special education services?

If a public agency provides "regular education" preschool services to non-disabled children, then the requirements of §§300.344(a)(2) and 300.346(d) apply as they do in the case of older children with disabilities. If a public agency makes kindergarten available to nondisabled children, then a regular education kindergarten teacher could appropriately be the regular education teacher who would be a member of the IEP team, and, as appropriate, participate in IEP meetings, for a kindergarten-aged child who is, or may be, participating in the regular education environment.

If a public agency does not provide regular preschool education services to nondisabled children, the agency could designate an individual who, under State standards, is qualified to serve nondisabled children of the same age.

4. Must the measurable annual goals in a child's IEP address all areas of the general curriculum, or only those areas in which the child's involvement and progress are affected by the child's disability?

Section 300.347(a)(2) requires that each child's IEP include "A statement of measurable annual goals, including benchmarks or short-term objectives, related to—(i) *meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum* ...; and (ii) meeting each of the child's other educational needs that result from the child's disability...." (Italics added).

Thus, a public agency is **not** required to include in an IEP annual goals that relate to areas of the general curriculum in which the child's disability does not affect the child's ability to be involved in and progress in the general curriculum. If a child with a disability needs only modifications or accommodations in order to progress in an area of the general curriculum, the IEP does not need to include a goal for that area; however, the IEP would need to specify those modifications or accommodations.

Public agencies often require all children, including children with disabilities, to demonstrate mastery in a given area of the general curriculum before allowing them to progress to the next level or grade in that area. Thus, in order to ensure that each child with a disability can effectively demonstrate competencies in an applicable area of the general curriculum, it is important for the IEP team to consider the accommodations and modifications that the child needs to assist him or her in demonstrating progress in that area.

II. Involvement of Parents and Students

The Congressional Committee Reports on the IDEA Amendments of 1997 express the view that the Amendments provide an opportunity for strengthening the role of parents, and emphasize that one of the purposes of the Amendments is to expand opportunities for parents and key public agency staff (e.g., special education, related services, regular education, and early intervention service providers, and other personnel) to work in new partnerships at both the State and local levels (H. Rep. 105-95, p. 82 (1997); S. Rep. No. 105-17, p. 4 and 5 (1997)). Accordingly, the IDEA Amendments of 1997 require that parents have an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of FAPE to the child. (§300.501(a)(2)). Thus, parents must now be part of: (1) the group that determines what additional data are needed as part of an evaluation of their child (§300.533(a)(1)); (2) the team that determines their child's

eligibility (§300.534(a)(1)); and (3) the group that makes decisions on the educational placement of their child (§300.501(c)).

In addition, the concerns of parents and the information that they provide regarding their children must be considered in developing and reviewing their children's IEPs (§§300.343(c)(iii) and 300.346(a)(1)(i) and (b)); and the requirements for keeping parents informed about the educational progress of their children, particularly as it relates to their progress in the general curriculum, have been strengthened (§300.347(a)(7)).

The IDEA Amendments of 1997 also contain provisions that greatly strengthen the involvement of students with disabilities in decisions regarding their own futures, to facilitate movement from school to post-school activities. For example, those amendments (1) retained, essentially verbatim, the "transition services" requirements from the IDEA Amendments of 1990 (which provide that a statement of needed transition services must be in the IEP of each student with a disability, beginning no later than age 16); and (2) significantly expanded those provisions by adding a new annual requirement for the IEP to include "transition planning" activities for students beginning at age 14. (See section IV of this appendix for a description of the transition services requirements and definition.)

With respect to student involvement in decisions regarding transition services, §300.344(b) provides that (1) "the public agency shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of—(i) The student's transition services needs under §300.347(b)(1); or (ii) The needed transition services for the student under §300.347(b)(2); or (iii) Both;" and (2) "If the student does not attend the IEP meeting, the public agency shall take other steps to ensure that the student's preferences and interests are considered." (§300.344(b)(2)).

The IDEA Amendments of 1997 also give States the authority to elect to transfer the rights accorded to parents under Part B to each student with a disability upon reaching the age of majority under State law (if the student has not been determined incompetent under State law) (§300.517). (Part B requires that if the rights transfer to the student, the public agency must provide any notice required under Part B to both the student and the parents.) If the State elects to provide for the transfer of rights from the parents to the student at the age of majority, the IEP must, beginning at least one year before a student reaches the age of majority under State law, include a statement that the student has been informed of any rights that will transfer to him or her upon reaching the age of majority. (§300.347(c)).

The IDEA Amendments of 1997 also permit, but do not require, States to establish a procedure for appointing the parent, or another appropriate individual if the parent is not available, to represent the educational interests of a student with a disability who has reached the age of majority under State law and has not been determined to be incompetent, but who is determined not to have the ability to provide informed consent with respect to his or her educational program.

5. What is the role of the parents, including surrogate parents, in decisions regarding the educational program of their children?

The parents of a child with a disability are expected to be equal participants along with school personnel, in developing, reviewing, and revising the IEP for their child. This is an active role in which the parents (1) provide critical information regarding the strengths of their child and express their concerns for enhancing the education of their child; (2) participate in discussions about the child's need for special education and related services and supplementary aids and services; and (3) join with the other participants in deciding how the child will be involved and progress in the general curriculum and participate in State and district-wide assessments, and what services the agency will provide to the child and in what setting.

As previously noted in the introduction to section II of this Appendix, Part B specifically provides that parents of children with disabilities—

- Have an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of their child, and the provision of FAPE to the child (including IEP meetings) (§§300.501(b), 300.344(a)(1), and 300.517;
- Be part of the groups that determine what additional data are needed as part of an evaluation of their child (§300.533(a)(1)), and determine their child's eligibility (§300.534(a)(1))) and educational placement (§300.501(c));
- Have their concerns and the information that they provide regarding their child considered in developing and reviewing their child's IEPs (§§300.343(c)(iii) and 300.346(a)(1)(i) and (b)); and

- Be regularly informed (by such means as periodic report cards), as specified in their child's IEP, at least as often as parents are informed of their nondisabled children's progress, of their child's progress toward the annual goals in the IEP and the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year (§300.347(a)(7)).

A surrogate parent is a person appointed to represent the interests of a child with a disability in the educational decision-making process when no parent (as defined at §300.20) is known, the agency, after reasonable efforts, cannot locate the child's parents, or the child is a ward of the State under the laws of the State. A surrogate parent has all of the rights and responsibilities of a parent under Part B (§300.515.)

6. What are the Part B requirements regarding the participation of a student (child) with a disability in an IEP meeting?

If a purpose of an IEP meeting for a student with a disability will be the consideration of the student's transition services needs or needed transition services under §300.347(b)(1) or (2), or both, the public agency must invite the student and, as part of the notification to the parents of the IEP meeting, inform the parents that the agency will invite the student to the IEP meeting.

If the student does not attend, the public agency must take other steps to ensure that the student's preferences and interests are considered. (See §300.344(b)).

Section §300.517 permits, but does not require, States to transfer procedural rights under Part B from the parents to students with disabilities who reach the age of majority under State law, if they have not been determined to be incompetent under State law. If those rights are to be transferred from the parents to the student, the public agency would be required to ensure that the student has the right to participate in IEP meetings set forth for parents in §300.345. However, at the discretion of the student or the public agency, the parents also could attend IEP meetings as "... individuals who have knowledge or special expertise regarding the child ..." (see §300.344(a)(6)).

In other circumstances, a child with a disability may attend "if appropriate." (§300.344(a)(7)) Generally, a child with a disability should attend the IEP meeting if the parent decides that it is appropriate for the child to do so. If possible, the agency and parents should discuss the appropriateness of the child's participation before a decision is made, in order to help the parents determine whether or not the child's attendance would be (1) helpful in developing the IEP or (2) directly beneficial to the child or both. The agency should inform the parents before each IEP meeting—as part of notification under §300.345(a)(1)—that they may invite their child to participate.

7. Must the public agency inform the parents of who will be at the IEP meeting?

Yes. In notifying parents about the meeting, the agency "must indicate the purpose, time, and location of the meeting, and *who will be in attendance*." (§300.345(b), italics added.) In addition, if a purpose of the IEP meeting will be the consideration of a student's transition services needs or needed transition services under §300.347(b)(1) or (2) or both, the notice must also inform the parents that the agency is inviting the student, and identify any other agency that will be invited to send a representative.

The public agency also must inform the parents of the right of the parents and the agency to invite other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate to be members of the IEP team. (§300.345(b)(1)(ii)).

It also may be appropriate for the agency to ask the parents to inform the agency of any individuals the parents will be bringing to the meeting. Parents are encouraged to let the agency know whom they intend to bring. Such cooperation can facilitate arrangements for the meeting, and help ensure a productive, child-centered meeting.

8. Do parents have the right to a copy of their child's IEP?

Yes. Section 300.345(f) states that the public agency shall give the parent a copy of the IEP at no cost to the parent.

9. What is a public agency's responsibility if it is not possible to reach consensus on what services should be included in a child's IEP?

The IEP meeting serves as a communication vehicle between parents and school personnel, and enables them, as equal participants, to make joint, informed decisions regarding the (1) child's needs and appropriate goals; (2) extent to which the child will be involved in the general curriculum and participate in the regular education environment and State and district-wide assessments; and (3) services needed to support that involvement and participation and to achieve agreed-upon goals. Parents are considered equal partners with school personnel in making these decisions, and the IEP team must consider the parents' concerns and the information that they provide regarding their child in developing, reviewing, and revising IEPs (§§300.343(c)(iii) and 300.346(a)(1) and (b)).

The IEP team should work toward consensus, but the public agency has ultimate responsibility to ensure that the IEP includes the services that the child needs in order to receive FAPE. It is not appropriate to make IEP decisions based upon a majority "vote." If the team cannot reach consensus, the public agency must provide the parents with prior written notice of the agency's proposals or refusals, or both, regarding the child's educational program, and the parents have the right to seek resolution of any disagreements by initiating an impartial due process hearing.

Every effort should be made to resolve differences between parents and school staff through voluntary mediation or some other informal step, without resort to a due process hearing. However, mediation or other informal procedures may not be used to deny or delay a parent's right to a due process hearing, or to deny any other rights afforded under Part B.

10. Does Part B require that public agencies inform parents regarding the educational progress of their children with disabilities?

Yes. The Part B statute and regulations include a number of provisions to help ensure that parents are involved in decisions regarding, and are informed about, their child's educational progress, including the child's progress in the general curriculum. First, the parents will be informed regarding their child's present levels of educational performance through the development of the IEP. Section 300.347(a)(1) requires that each IEP include:

...A statement of the child's present levels of educational performance, including—(i) how the child's disability affects the child's involvement and progress in the general curriculum; or (ii) for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities...

Further, §300.347(a)(7) sets forth new requirements for regularly informing parents about their child's educational progress, as regularly as parents of nondisabled children are informed of their child's progress. That section requires that the IEP include:

A statement of—(i) How the child's progress toward the annual goals ... will be measured; and (ii) how the child's parents will be regularly informed (by such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of—(A) their child's progress toward the annual goals; and (B) the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

One method that public agencies could use in meeting this requirement would be to provide periodic report cards to the parents of students with disabilities that include both (1) the grading information provided for all children in the agency at the same intervals; and (2) the specific information required by §300.347(a)(7)(ii)(A) and (B).

Finally, the parents, as part of the IEP team, will participate at least once every 12 months in a review of their child's educational progress. Section 300.343(c) requires that a public agency initiate and conduct a meeting, at which the IEP team:

...(1) Reviews the child's IEP periodically, but not less than annually to determine whether the annual goals for the child are being achieved; and (2) revises the IEP as appropriate to address—(i) any lack of expected progress toward the annual goals ... and in the general curriculum, if appropriate; (ii) The results of any reevaluation ...; (iii) Information about the child provided to, or by, the parents ...; (iv) The child's anticipated needs; or (v) Other matters.

III. Preparing Students With Disabilities for Employment and Other Post-School Experiences

One of the primary purposes of the IDEA is to "... ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living..." (§300.1(a)). Section 701 of the Rehabilitation Act of 1973 describes the philosophy of independent living as including a philosophy of consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities, and the integration and full inclusion of individuals with disabilities into the mainstream of American society. Because many students receiving services under IDEA will also receive services under the Rehabilitation Act, it is important, in planning for their future, to consider the impact of both statutes.

Similarly, one of the key purposes of the IDEA Amendments of 1997 was to "promote improved educational results for children with disabilities through early intervention, preschool, and educational experiences that prepare them for later educational challenges and employment." (H. Rep. No. 105-95, p. 82 (1997); S. Rep. No. 105-17, p. 4 (1997)).

Thus, throughout their preschool, elementary, and secondary education, the IEPs for children with disabilities must, to the extent appropriate for each individual child, focus on providing instruction and experiences that enable the child to prepare himself or herself for later educational experiences and for post-school activities, including formal education, if appropriate, employment, and independent living. Many students with disabilities will obtain services through State vocational rehabilitation programs to ensure that their educational goals are effectively implemented in post-school activities. Services available through rehabilitation programs are consistent with the underlying purpose of IDEA.

Although preparation for adult life is a key component of FAPE throughout the educational experiences of students with disabilities, Part B sets forth specific requirements related to transition planning and transition services that must be implemented no later than ages 14 and 16, respectively, and which require an intensified focus on that preparation as these students begin and prepare to complete their secondary education.

11. What must the IEP team do to meet the requirements that the IEP include "a statement of ... transition service needs" beginning at age 14 (§300.347(b)(1)(i))," and a statement of needed transition services" no later than age 16 (§300.347(b)(2)?

Section 300.347(b)(1) requires that, beginning no later than age 14, each student's IEP include specific transition-related content, and, beginning no later than age 16, a statement of needed transition services:

Beginning at age 14 and younger if appropriate, and updated annually, each student's IEP must include:

"... a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program)" (§300.347(b)(1)(i)).

Beginning at age 16 (or younger, if determined appropriate by the IEP team), each student's IEP must include:

"... a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages." (§300.347(b)(2)).

The Committee Reports on the IDEA Amendments of 1997 make clear that the requirement added to the statute in 1997 that beginning at age 14, and updated annually, the IEP include "a statement of the transition service needs" is "... designed to augment, and not replace," the separate, preexisting requirement that the IEP include, "... beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services ..." (H. Rep. No. 105-95, p. 102 (1997); S. Rep. No. 105-17, p. 22 (1997)). As clarified by the Reports, "The purpose of [the requirement in §300.347(b)(1)(i)] is to focus attention on how the child's educational program can be planned to help the child make a successful transition to his or her goals for life after secondary school." (H. Rep. No. 105-95, pp. 101-102 (1997); S. Rep. No. 105-17, p. 22 (1997)). The Reports further explain that "[F]or example, for a child whose transition goal is a job, a transition service could be teaching the child how to get to

the job site on public transportation." (H. Rep. No. 105-95, p. 102 (1997); S. Rep. No. 105-17, p. 22 (1997)).

Thus, beginning at age 14, the IEP team, in determining appropriate measurable annual goals (including benchmarks or short-term objectives) and services for a student, must determine what instruction and educational experiences will assist the student to prepare for transition from secondary education to post-secondary life.

The statement of transition service needs should relate directly to the student's goals beyond secondary education, and show how planned studies are linked to these goals. For example, a student interested in exploring a career in computer science may have a statement of transition services needs connected to technology course work, while another student's statement of transition services needs could describe why public bus transportation training is important for future independence in the community.

Although the focus of the transition planning process may shift as the student approaches graduation, the IEP team must discuss specific areas beginning at least at the age of 14 years and review these areas annually. As noted in the Committee Reports, a disproportionate number of students with disabilities drop out of school before they complete their secondary education: "Too many students with disabilities are failing courses and dropping out of school. Almost twice as many students with disabilities drop out as compared to students without disabilities." (H. Rep. No. 105-95, p. 85 (1997), S. Rep. No. 105-17, p. 5 (1997).)

To help reduce the number of students with disabilities that drop out, it is important that the IEP team work with each student with a disability and the student's family to select courses of study that will be meaningful to the student's future and motivate the student to complete his or her education.

This requirement is distinct from the requirement, at §300.347(b)(2), that the IEP include:

... beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the child, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

The term "transition services" is defined at §300.29 to mean:

... a coordinated set of activities for a student with a disability that—(1) is designed within an outcome-oriented process, that promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; (2) Is based on the individual student's needs, taking into account the student's preferences and interests; and (3) Includes—(i) Instruction; (ii) Related services; (iii) Community experiences; (iv) The development of employment and other post-school adult living objectives; and (v) If appropriate, acquisition of daily living skills and functional vocational evaluation.

Thus, while §300.347(b)(1) requires that the IEP team begin by age 14 to address the student's need for instruction that will assist the student to **prepare** for transition, the IEP must include by age 16 a statement of needed transition services under §300.347(b)(2) that includes a "coordinated set of activities ..., designed within an outcome-oriented process, that promotes movement from school to post-school activities ...." (§300.29) Section 300.344(b)(3) further requires that, in implementing §300.347(b)(1), public agencies (in addition to required participants for all IEP meetings), must also invite a representative of any other agency that is likely to be responsible for providing or paying for transition services. Thus, §300.347(b)(2) requires a broader focus on coordination of services across, and linkages between, agencies beyond the SEA and LEA.

12. Must the IEP for each student with a disability, beginning no later than age 16, include all "needed transition services," as identified by the IEP team and consistent with the definition at §300.29, even if an agency other than the public agency will provide those services? What is the public agency's responsibility if another agency fails to provide agreed-upon transition services?

Section 300.347(b)(2) requires that the IEP for each child with a disability, beginning no later than age 16, or younger if determined appropriate by the IEP team, include all "needed transition services," as identified by the IEP team and consistent with the definition at §300.29, regardless of whether the public agency or some other agency will provide those services. Section 300.347(b)(2) specifically requires that the statement of needed transition services include, "... if appropriate, a statement of the interagency responsibilities or any needed linkages."

Further, the IDEA Amendments of 1997 also permit an LEA to use up to five percent of the Part B funds it receives in any fiscal year in combination with other amounts, which must include amounts other than education funds, to develop and implement a coordinated services system. These funds may be used for activities such as: (1) linking IEPs under Part B and Individualized Family Service Plans (IFSPs) under Part C, with Individualized Service Plans developed under multiple Federal and State programs, such as Title I of the Rehabilitation Act; and (2) developing and implementing interagency financing strategies for the provision of services, including transition services under Part B.

The need to include, as part of a student's IEP, transition services to be provided by agencies other than the public agency is contemplated by §300.348(a), which specifies what the public agency must do if another agency participating in the development of the statement of needed transition services fails to provide a needed transition service that it had agreed to provide.

If an agreed-upon service by another agency is not provided, the public agency responsible for the student's education must implement alternative strategies to meet the student's needs. This requires that the public agency provide the services, or convene an IEP meeting as soon as possible to identify alternative strategies to meet the transition services objectives, and to revise the IEP accordingly.

Alternative strategies might include the identification of another funding source, referral to another agency, the public agency's identification of other district-wide or community resources that it can use to meet the student's identified needs appropriately, or a combination of these strategies. As emphasized by §300.348(b), however:

Nothing in [Part B] relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

However, the fact that an agency other than the public agency does not fulfill its responsibility does not relieve the public agency of its responsibility to ensure that FAPE is available to each student with a disability. (Section 300.142(b)(2) specifically requires that if an agency other than the LEA fails to provide or pay for a special education or related service (which could include a transition service), the LEA must, without delay, provide or pay for the service, and may then claim reimbursement from the agency that failed to provide or pay for the service.)

13. Under what circumstances must a public agency invite representatives from other agencies to an IEP meeting at which a child's need for transition services will be considered?

Section 300.344 requires that, "In implementing the requirements of [§300.347(b)(1)(ii) requiring a statement of needed transition services], the public agency shall also invite a representative of any other agency that is likely to be responsible for providing or paying for transition services." To meet this requirement, the public agency must identify all agencies that are "likely to be responsible for providing or paying for transition services" for each student addressed by §300.347(b)(1), and must invite each of those agencies to the IEP meeting; and if an agency invited to send a representative to a meeting does not do so, the public agency must take other steps to obtain the participation of that agency in the planning of any transition services.

If, during the course of an IEP meeting, the team identifies additional agencies that are "likely to be responsible for providing or paying for transition services" for the student, the public agency must determine how it will meet the requirements of §300.344.

IV. Other Questions Regarding the Development and Content of IEPs

14. For a child with a disability receiving special education for the first time, when must an IEP be developed—before or after the child begins to receive special education and related services?

Section 300.342(b)(1) requires that an IEP be "*in effect* before special education and related services are provided to an eligible child..." (Italics added.)

The appropriate placement for a particular child with a disability cannot be determined until after decisions have been made about the child's needs and the services that the public agency will provide to meet those needs. These decisions must be made at the IEP meeting, and it would not be permissible first to place the child and then develop the IEP. Therefore, the IEP must be developed before placement. (Further, the child's placement must be based, among other factors, on the child's IEP.)

This requirement does not preclude temporarily placing an eligible child with a disability in a program as part of the evaluation process—before the IEP is finalized—to assist a public agency in determining the appropriate placement for the child. However, it is essential that the temporary placement not become the final placement before the IEP is finalized. In order to ensure that this does not happen, the State might consider requiring LEAs to take the following actions:

a. Develop an *interim* IEP for the child that sets out the specific conditions and timelines for the trial placement. (See paragraph c, following.)

b. Ensure that the parents agree to the interim placement before it is carried out, and that they are involved throughout the process of developing, reviewing, and revising the child's IEP.

c. Set a specific timeline (e.g., 30 days) for completing the evaluation, finalizing the IEP, and determining the appropriate placement for the child.

d. Conduct an IEP meeting at the end of the trial period in order to finalize the child's IEP.

15. Who is responsible for ensuring the development of IEPs for children with disabilities served by a public agency other than an LEA?

The answer as to which public agency has direct responsibility for ensuring the development of IEPs for children with disabilities served by a public agency other than an LEA will vary from State to State, depending upon State law, policy, or practice. The SEA is ultimately responsible for ensuring that all Part B requirements, including the IEP requirements, are met for eligible children within the State, including those children served by a public agency other than an LEA. Thus, the SEA must ensure that every eligible child with a disability in the State has FAPE available, regardless of which State or local agency is responsible for educating the child. (The only exception to this responsibility is that the SEA is not responsible for ensuring that FAPE is made available to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons, if the State has assigned that responsibility to a public agency other than the SEA. (See §300.600(d)).

Although the SEA has flexibility in deciding the best means to meet this obligation (e.g., through interagency agreements), the SEA must ensure that no eligible child with a disability is denied FAPE due to jurisdictional disputes among agencies.

When an LEA is responsible for the education of a child with a disability, the LEA remains responsible for developing the child's IEP, regardless of the public or private school setting into which it places the child.

16. For a child placed out of State by an educational or non-educational State or local agency, is the placing or receiving State responsible for the child's IEP?

Regardless of the reason for the placement, the "placing" State is responsible for ensuring that the child's IEP is developed and that it is implemented. The determination of the specific agency in the placing State that is responsible for the child's IEP would be based on State law, policy, or practice. However, the SEA in the placing State is ultimately responsible for ensuring that the child has FAPE available.

17. If a disabled child has been receiving special education from one public agency and transfers to another public agency in the same State, must the new public agency develop an IEP before the child can be placed in a special education program?

If a child with a disability moves from one public agency to another in the same State, the State and its public agencies have an ongoing responsibility to ensure that FAPE is made available to that child. This means that if a child moves to another public agency the new agency is responsible for ensuring that the child has available special education and related services in conformity with an IEP.

The new public agency must ensure that the child has an IEP in effect before the agency can provide special education and related services. The new public agency may meet this responsibility by either adopting the IEP the former public agency developed for the child or by developing a new IEP for the child. (The new public agency is strongly encouraged to continue implementing the IEP developed by the former public agency, if appropriate, especially if the parents believe their child was progressing appropriately under that IEP.)

Before the child's IEP is finalized, the new public agency may provide interim services agreed to by both the parents and the new public agency. If the parents and the new public agency are unable to agree on an interim IEP and placement, the new public agency must implement the old IEP to the extent possible until a new IEP is developed and implemented.

In general, while the new public agency must conduct an IEP meeting, it would not be necessary if: (1) A copy of the child's current IEP is available; (2) the parents indicate that they are satisfied with the current IEP; and (3) the new public agency determines that the current IEP is appropriate and can be implemented as written.

If the child's current IEP is not available, or if either the new public agency or the parent believes that it is not appropriate, the new public agency must develop a new IEP through appropriate procedures within a short time after the child enrolls in the new public agency (normally, within one week).

18. What timelines apply to the development and implementation of an initial IEP for a child with a disability?

Section 300.343(b) requires each public agency to ensure that within a reasonable period of time following the agency's receipt of parent consent to an initial evaluation a child, the child is evaluated and, if determined eligible, special education and related services are made available to the child in accordance with an IEP. The section further requires the agency to conduct a meeting to develop an IEP for the child within 30 days of determining that the child needs special education and related services.

Section 300.342(b)(2) provides that an IEP must be implemented as soon as possible following the meeting in which the IEP is developed.

19. Must a public agency hold separate meetings to determine a child's eligibility for special education and related services, develop the child's IEP, and determine the child's placement, or may the agency meet all of these requirements in a single meeting?

A public agency may, after a child is determined by "a group of qualified professionals and the parent" (see §300.534(a)(1)) to be a child with a disability, continue in the same meeting to develop an IEP for the child and then to determine the child's placement. However, the public agency must ensure that it meets: (1) the requirements of §300.535 regarding eligibility decisions; (2) all of the Part B requirements regarding meetings to develop IEPs (including providing appropriate notification to the parents, consistent with the requirements of §§300.345, 300.503, and 300.504, and ensuring that all the required team members participate in the development of the IEP, consistent with the requirements of §300.344;) and (3)ensuring that the placement is made by the required individuals, including the parent, as required by §§300.552 and 300.501(c).

20. How frequently must a public agency conduct meetings to review, and, if appropriate, revise the IEP for each child with a disability?

A public agency must initiate and conduct meetings periodically, but at least once every twelve months, to review each child's IEP, in order to determine whether the annual goals for the child are being achieved, and to revise the IEP, as appropriate, to address: (a) any lack of expected progress toward the annual goals and in the

general curriculum, if appropriate; (b) the results of any reevaluation; (c) information about the child provided to, or by, the parents; (d) the child's anticipated needs; or (e) other matters (§300.343(c)).

A public agency also must ensure that an IEP is in effect for each child at the beginning of each school year (§300.342(a)). It may conduct IEP meetings at any time during the year. However, if the agency conducts the IEP meeting prior to the beginning of the next school year, it must ensure that the IEP contains the necessary special education and related services and supplementary aids and services to ensure that the student's IEP can be appropriately implemented during the next school year. Otherwise, it would be necessary for the public agency to conduct another IEP meeting.

Although the public agency is responsible for determining when it is necessary to conduct an IEP meeting, the parents of a child with a disability have the right to request an IEP meeting at any time. For example, if the parents believe that the child is not progressing satisfactorily or that there is a problem with the child's current IEP, it would be appropriate for the parents to request an IEP meeting.

If a child's teacher feels that the child's IEP or placement is not appropriate for the child, the teacher should follow agency procedures with respect to: (1) calling or meeting with the parents or (2) requesting the agency to hold another IEP meeting to review the child's IEP.

The legislative history of Public Law 94-142 makes it clear that there should be as many meetings a year as any one child may need (121 Cong. Rec. S20428-29 (Nov. 19, 1975) (remarks of Senator Stafford)). Public agencies should grant any reasonable parent request for an IEP meeting. For example, if the parents question the adequacy of services that are provided while their child is suspended for short periods of time, it would be appropriate to convene an IEP meeting.

In general, if either a parent or a public agency believes that a required component of the student's IEP should be changed, the public agency must conduct an IEP meeting if it believes that a change in the IEP may be necessary to ensure the provision of FAPE.

If a parent requests an IEP meeting because the parent believes that a change is needed in the provision of FAPE to the child or the educational placement of the child, and the agency refuses to convene an IEP meeting to determine whether such a change is needed, the agency must provide written notice to the parents of the refusal, including an explanation of why the agency has determined that conducting the meeting is not necessary to ensure the provision of FAPE to the student.

Under §300.507(a), the parents or agency may initiate a due process hearing at any time regarding any proposal or refusal regarding the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child, and the public agency must inform parents about the availability of mediation.

21. May IEP meetings be audio or video-tape-recorded?

Part B does not address the use of audio or video recording devices at IEP meetings, and no other Federal statute either authorizes or prohibits the recording of an IEP meeting by either a parent or a school official. Therefore, an SEA or public agency has the option to require, prohibit, limit, or otherwise regulate the use of recording devices at IEP meetings.

If a public agency has a policy that prohibits or limits the use of recording devices at IEP meetings, that policy must provide for exceptions if they are necessary to ensure that the parent understands the IEP or the IEP process or to implement other parental rights guaranteed under Part B. An SEA or school district that adopts a rule regulating the tape recording of IEP meetings also should ensure that it is uniformly applied.

Any recording of an IEP meeting that is maintained by the public agency is an "education record," within the meaning of the Family Educational Rights and Privacy Act ("FERPA"; 20 U.S.C. 1232g), and would, therefore, be subject to the confidentiality requirements of the regulations under both FERPA (34 CFR Part 99) and Part B (§§300.560-300.575).

Parents wishing to use audio or video recording devices at IEP meetings should consult State or local policies for further guidance.

22. Who can serve as the representative of the public agency at an IEP meeting?

The IEP team must include a representative of the public agency who: (a) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; (b) is knowledgeable about the general curriculum; and (c) is knowledgeable about the availability of resources of the public agency (§300.344(a)(4)).

Each public agency may determine which specific staff member will serve as the agency representative in a particular IEP meeting, so long as the individual meets these requirements. It is important, however, that the agency representative have the authority to commit agency resources and be able to ensure that whatever services are set out in the IEP will actually be provided.

A public agency may designate another public agency member of the IEP team to also serve as the agency representative, so long as that individual meets the requirements of §300.344(a)(4).

23. For a child with a disability being considered for initial provision of special education and related services, which teacher or teachers should attend the IEP meeting?

A child's IEP team must include at least one of the child's regular education teachers (if the child is, or may be participating in the regular education environment) and at least one of the child's special education teachers, or, if appropriate, at least one of the child's special education providers (§300.344(a)(2) and (3)).

Each IEP must include a statement of the present levels of educational performance, including a statement of how the child's disability affects the child's involvement and progress in the general curriculum (§300.347(a)(1)). At least one regular education teacher is a required member of the IEP team of a child who is, or may be, participating in the regular educational environment, regardless of the extent of that participation.

The requirements of §300.344(a)(3) can be met by either: (1) a special education teacher of the child; or (2) another special education provider of the child, such as a speech pathologist, physical or occupational therapist, etc., if the related service consists of specially designed instruction and is considered special education under applicable State standards.

Sometimes more than one meeting is necessary in order to finalize a child's IEP. In this process, if the special education teacher or special education provider who will be working with the child is identified, it would be useful to have that teacher or provider participate in the meeting with the parents and other members of the IEP team in finalizing the IEP. If this is not possible, the public agency must ensure that the teacher or provider has access to the child's IEP as soon as possible after it is finalized and before beginning to work with the child.

Further, (consistent with §300.342(b)), the public agency must ensure that each regular education teacher, special education teacher, related services provider and other service provider of an eligible child under this part (1) has access to the child's IEP, and (2) is informed of his or her specific responsibilities related to implementing the IEP, and of the specific accommodations, modifications, and supports that must be provided to the child in accordance with the IEP. This requirement is crucial to ensuring that each child receives FAPE in accordance with his or her IEP, and that the IEP is appropriately and effectively implemented.

24. What is the role of a regular education teacher in the development, review and revision of the IEP for a child who is, or may be, participating in the regular education environment?

As required by §300.344(a)(2), the IEP team for a child with a disability must include at least one regular education teacher of the child if the child is, or may be, participating in the regular education environment. Section 300.346(d) further specifies that the regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in—(1) the determination of appropriate positive behavioral interventions and strategies for the child; and (2) the determination of supplementary aids and services, program modifications, and

supports for school personnel that will be provided for the child, consistent with 300.347(a)(3) (§300.344(d)).

Thus, while a regular education teacher must be a member of the IEP team if the child is, or may be, participating in the regular education environment, the teacher need not (depending upon the child's needs and the purpose of the specific IEP team meeting) be required to participate in all decisions made as part of the meeting or to be present throughout the entire meeting or attend every meeting. For example, the regular education teacher who is a member of the IEP team must participate in discussions and decisions about how to modify the general curriculum in the regular classroom to ensure the child's involvement and progress in the general curriculum and participation in the regular education environment.

Depending upon the specific circumstances, however, it may not be necessary for the regular education teacher to participate in discussions and decisions regarding, for example, the physical therapy needs of the child, if the teacher is not responsible for implementing that portion of the child's IEP.

In determining the extent of the regular education teacher's participation at IEP meetings, public agencies and parents should discuss and try to reach agreement on whether the child's regular education teacher that is a member of the IEP team should be present at a particular IEP meeting and, if so, for what period of time. The extent to which it would be appropriate for the regular education teacher member of the IEP team to participate in IEP meetings must be decided on a case-by-case basis.

25. If a child with a disability attends several regular classes, must all of the child's regular education teachers be members of the child's IEP team?

No. The IEP team need not include more than one regular education teacher of the child. If the participation of more than one regular education teacher would be beneficial to the child's success in school (e.g., in terms of enhancing the child's participation in the general curriculum), it would be appropriate for them to attend the meeting.

26. How should a public agency determine which regular education teacher and special education teacher will be members of the IEP team for a particular child with a disability?

The regular education teacher who serves as a member of a child's IEP team should be a teacher who is, or may be, responsible for implementing a portion of the IEP, so that the teacher can participate in discussions about how best to teach the child.

If the child has more than one regular education teacher responsible for carrying out a portion of the IEP, the LEA may designate which teacher or teachers will serve as IEP team member(s), taking into account the best interest of the child.

In a situation in which not all of the child's regular education teachers are members of the child's IEP team, the LEA is strongly encouraged to seek input from the teachers who will not be attending. In addition, (consistent with §300.342(b)), the LEA must ensure that each regular education teacher (as well as each special education teacher, related services provider, and other service provider) of an eligible child under this part (1) has access to the child's IEP, and (2) is informed of his or her specific responsibilities related to implementing the IEP, and of the specific accommodations, modifications and supports that must be provided to the child in accordance with the IEP.

In the case of a child whose behavior impedes the learning of the child or others, the LEA is encouraged to have a regular education teacher or other person knowledgeable about positive behavior strategies at the IEP meeting. This is especially important if the regular education teacher is expected to carry out portions of the IEP.

Similarly, the special education teacher or provider of the child who is a member of the child's IEP team should be the person who is, or will be, responsible for implementing the IEP. If, for example, the child's disability is a speech impairment, the special education teacher on the IEP team could be the speech-language pathologist.

27. For a child whose primary disability is a speech impairment, may a public agency meet its responsibility under §300.344(a)(3) to ensure that the IEP team includes "at least one special education teacher, or, if appropriate, at least one special education provider of the child" by including a speech-language pathologist on the IEP team?

Yes, if speech is considered special education under State standards. As with other children with disabilities, the IEP team must also include at least one of the child's *regular education* teachers if the child is, or may be, participating in the regular education environment.

28. Do parents and public agencies have the option of inviting any individual of their choice be participants on their child's IEP team?

The IEP team may, at the discretion of the parent or the agency, include "other individuals *who have knowledge or special expertise regarding the child ...*" (§300.344(a)(6), italics added). Under §300.344(a)(6), these individuals are members of the IEP team. This is a change from prior law, which provided, without qualification, that parents or agencies could have other individuals as members of the IEP team at the discretion of the parents or agency.

Under §300.344(c), the determination as to whether an individual has knowledge or special expertise, within the meaning of §300.344(a)(6), shall be made by the parent or public agency who has invited the individual to be a member of the IEP team.

Part B does not provide for including individuals such as representatives of teacher organizations as part of an IEP team, unless they are included because of knowledge or special expertise regarding the child. (Because a representative of a teacher organization would generally be concerned with the interests of the teacher rather than the interests of the child, and generally would not possess knowledge or expertise regarding the child, it generally would be inappropriate for such an official to be a member of the IEP team or to otherwise participate in an IEP meeting.)

29. Can parents or public agencies bring their attorneys to IEP meetings, and, if so under what circumstances? Are attorney's fees available for parents' attorneys if the parents are prevailing parties in actions or proceedings brought under Part B?

Section 300.344(a)(6) authorizes the addition to the IEP team of other individuals at the discretion of the parent or the public agency only if those other individuals have knowledge or special expertise regarding the child. The determination of whether an attorney possesses knowledge or special expertise regarding the child would have to be made on a case-by-case basis by the parent or public agency inviting the attorney to be a member of the team.

The presence of the agency's attorney could contribute to a potentially adversarial atmosphere at the meeting. The same is true with regard to the presence of an attorney accompanying the parents at the IEP meeting. Even if the attorney possessed knowledge or special expertise regarding the child (§300.344(a)(6)), an attorney's presence would have the potential for creating an adversarial atmosphere that would not necessarily be in the best interests of the child.

Therefore, the attendance of attorneys at IEP meetings should be strongly discouraged. Further, as specified in Section 615(i)(3)(D)(ii) of the Act and §300.513(c)(2)(ii), Attorneys' fees may not be awarded relating to any meeting of the IEP team unless the meeting is convened as a result of an administrative proceeding or judicial action, or, at the discretion of the State, for a mediation conducted prior to the request for a due process hearing.

30. Must related services personnel attend IEP meetings?

Although Part B does not expressly require that the IEP team include related services personnel as part of the IEP team (§300.344(a)), it is appropriate for those persons to be included if a particular related service is to be discussed as part of the IEP meeting. Section 300.344(a)(6) provides that the IEP team also includes "at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, *including related services personnel as appropriate ....*" (Italics added.)

Further, §300.344(a)(3) requires that the IEP team for each child with a disability include "at least one special education teacher, or, if appropriate, at least one special

education provider of the child..." This requirement can be met by the participation of either (1) a special education teacher of the child, or (2) another special education provider such as a speech-language pathologist, physical or occupational therapist, etc., if the related service consists of specially designed instruction and is considered special education under the applicable State standard.

If a child with a disability has an identified need for related services, it would be appropriate for the related services personnel to attend the meeting or otherwise be involved in developing the IEP. As explained in the Committee Reports on the IDEA Amendments of 1997, "Related services personnel should be included on the team when a particular related service will be discussed at the request of the child's parents or the school." (H. Rep. No. 105-95, p. 103 (1997); S. Rep. No. 105-17, p. 23 (1997)). For example, if the child's evaluation indicates the need for a specific related service (e.g., physical therapy, occupational therapy, special transportation services, school social work services, school health services, or counseling), the agency should ensure that a qualified provider of that service either (1) attends the IEP meeting, or (2) provides a written recommendation concerning the nature, frequency, and amount of service to be provided to the child. This written recommendation could be a part of the evaluation report.

A public agency must ensure that all individuals who are necessary to develop an IEP that will meet the child's unique needs, and ensure the provision of FAPE to the child, participate in the child's IEP meeting.

31. Must the public agency ensure that all services specified in a child's IEP are provided?

Yes. The public agency must ensure that all services set forth in the child's IEP are provided, consistent with the child's needs as identified in the IEP. The agency may provide each of those services directly, through its own staff resources; indirectly, by contracting with another public or private agency; or through other arrangements. In providing the services, the agency may use whatever State, local, Federal, and private sources of support are available for those purposes (see §300.301(a)); but the services must be at no cost to the parents, and the public agency remains responsible for ensuring that the IEP services are provided in a manner that appropriately meets the student's needs as specified in the IEP. The SEA and responsible public agency may not allow the failure of another agency to provide service(s) described in the child's IEP to deny or delay the provision of FAPE to the child. (See §300.142, Methods of ensuring services)).

32. Is it permissible for an agency to have the IEP completed before the IEP meeting begins?

No. Agency staff may come to an IEP meeting prepared with evaluation findings and proposed recommendations regarding IEP content, but the agency must make it clear to the parents at the outset of the meeting that the services proposed by the agency are only recommendations for review and discussion with the parents. Parents have the right to bring questions, concerns, and recommendations to an IEP meeting as part of a full discussion, of the child's needs and the services to be provided to meet those needs before the IEP is finalized.

Public agencies must ensure that, if agency personnel bring drafts of some or all of the IEP content to the IEP meeting, there is a full discussion with the child's parents, before the child's IEP is finalized, regarding drafted content and the child's needs and the services to be provided to meet those needs.

33. Must a public agency include transportation in a child's IEP as a related service?

As with other related services, a public agency must provide transportation as a related service if it is required to assist the disabled child to benefit from special education. (This includes transporting a preschool-aged child to the site at which the public agency provides special education and related services to the child, if that site is different from the site at which the child receives other preschool or day care services.)

In determining whether to include transportation in a child's IEP, and whether the child needs to receive transportation as a related service, it would be appropriate to have at the IEP meeting a person with expertise in that area. In making this determination, the IEP team must consider how the child's disability affects the child's need for transportation, including determining whether the child's disability prevents the child from using the same transportation provided to nondisabled children, or from getting

to school in the same manner as nondisabled children.

The public agency must ensure that any transportation service included in a child's IEP as a related service is provided at public expense and at no cost to the parents, and that the child's IEP describes the transportation arrangement.

Even if a child's IEP team determines that the child does not require transportation as a related service, Section 504 of the Rehabilitation Act of 1973, as amended, requires that the child receive the same transportation provided to nondisabled children. If a public agency transports nondisabled children, it must transport disabled children under the same terms and conditions. However, if a child's IEP team determines that the child does not need transportation as a related service, and the public agency transports only those children whose IEPs specify transportation as a related service, and does not transport nondisabled children, the public agency would not be required to provide transportation to a disabled child.

It should be assumed that most children with disabilities receive the same transportation services as nondisabled children. For some children with disabilities, integrated transportation may be achieved by providing needed accommodations such as lifts and other equipment adaptations on regular school transportation vehicles.

34. Must a public agency provide related services that are required to assist a child with a disability to benefit from special education, whether or not those services are included in the list of related services in §300.24?

The list of related services is not exhaustive and may include other developmental, corrective, or supportive services if they are required to assist a child with a disability to benefit from special education. This could, depending upon the unique needs of a child, include such services as nutritional services or service coordination.

These determinations must be made on an individual basis by each child's IEP team.

35. Must the IEP specify the amount of services or may it simply list the services to be provided?

The amount of services to be provided must be stated in the IEP, so that the level of the agency's commitment of resources will be clear to parents and other IEP team members. (§300.347(a)(6)). The amount of time to be committed to each of the various services to be provided must be (1) appropriate to the specific service, and (2) stated in the IEP in a manner that is clear to all who are involved in both the development and implementation of the IEP.

The amount of a special education or related service to be provided to a child may be stated in the IEP as a range (e.g., speech therapy to be provided three times per week for 30-45 minutes per session) only if the IEP team determines that stating the amount of services as a range is necessary to meet the unique needs of the child. For example, it would be appropriate for the IEP to specify, based upon the IEP team's determination of the student's unique needs, that particular services are needed only under specific circumstances, such as the occurrence of a seizure or of a particular behavior. A range may not be used because of personnel shortages or uncertainty regarding the availability of staff.

36. Under what circumstances is a public agency required to permit a child with a disability to use a school-purchased assistive technology device in the child's home or in another setting?

Each child's IEP team must consider the child's need for assistive technology (AT) in the development of the child's IEP (§300.346(a)(2)(v)); and the nature and extent of the AT devices and services to be provided to the child must be reflected in the child's IEP (§300.346(c)).

A public agency must permit a child to use school-purchased assistive technology devices at home or in other settings, if the IEP team determines that the child needs access to those devices in nonstop settings in order to receive FAPE (to complete homework, for example).

Any assistive technology devices that are necessary to ensure FAPE must be provided at no cost to the parents, and the parents cannot be charged for normal use, wear and tear. However, while ownership of the devices in these circumstances would remain with the public agency, State law, rather than Part B, generally would govern

whether parents are liable for loss, theft, or damage due to negligence or misuse of publicly owned equipment used at home or in other settings in accordance with a child's IEP.

37. Can the IEP team also function as the group making the placement decision for a child with a disability?

Yes, a public agency may use the IEP team to make the placement decision for a child, so long as the group making the placement decision meets the requirements of §§300.552 and 300.501(c), which requires that the placement decision be made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.

38. If a child's IEP includes behavioral strategies to address a particular behavior, can a child ever be suspended for engaging in that behavior?

If a child's behavior impedes his or her learning or that of others, the IEP team, in developing the child's IEP, must consider, if appropriate, development of strategies, including positive behavioral interventions, strategies and supports to address that behavior, consistent with §300.346(a)(2)(i). This means that in most cases in which a child's behavior that impedes his or her learning or that of others is, or can be readily anticipated to be, repetitive, proper development of the child's IEP will include the development of strategies, including positive behavioral interventions, strategies and supports to address that behavior. See §300.346(c). This includes behavior that could violate a school code of conduct. A failure to, if appropriate, consider and address these behaviors in developing and implementing the child's IEP would constitute a denial of FAPE to the child. Of course, in appropriate circumstances, the IEP team, which includes the child's parents, might determine that the child's behavioral intervention plan includes specific regular or alternative disciplinary measures, such as denial of certain privileges or short suspensions, that would result from particular infractions of school rules, along with positive behavior intervention strategies and supports, as a part of a comprehensive plan to address the child's behavior. Of course, if short suspensions that are included in a child's IEP are being implemented in a manner that denies the child access to the ability to progress in the educational program, the child would be denied FAPE.

Whether other disciplinary measures, including suspension, are ever appropriate for behavior that is addressed in a child's IEP will have to be determined on a case by case basis in light of the particular circumstances of that incident. However, school personnel may not use their ability to suspend a child for 10 days or less at a time on multiple occasions in a school year as a means of avoiding appropriately considering and addressing the child's behavior as a part of providing FAPE to the child.

39. If a child's behavior in the regular classroom, even with appropriate interventions, would significantly impair the learning of others, can the group that makes the placement decision determine that placement in the regular classroom is inappropriate for that child?

The IEP team, in developing the IEP, is required to consider, when appropriate, strategies, including positive behavioral interventions, strategies and supports to address the behavior of a child with a disability whose behavior impedes his or her learning or that of others. If the IEP team determines that such supports, strategies or interventions are necessary to address the behavior of the child, those services must be included in the child's IEP. These provisions are designed to foster increased participation of children with disabilities in regular education environments or other less restrictive environments, not to serve as a basis for placing children with disabilities in more restrictive settings.

The determination of appropriate placement for a child whose behavior is interfering with the education of others requires careful consideration of whether the child can appropriately function in the regular classroom if provided appropriate behavioral supports, strategies and interventions. If the child can appropriately function in the regular classroom with appropriate behavioral supports, strategies or interventions, placement in a more restrictive environment would be inconsistent with the least restrictive environment provisions of the IDEA. If the child's behavior in the regular classroom, even with the provision of appropriate behavioral supports, strategies or interventions, would significantly impair the learning of others, that placement would not meet his or her needs and would not be appropriate for that child.

40. May school personnel during a school year implement more than one short-term removal of a child with disabilities from his or her classroom or school for misconduct?

Yes. Under §300.520(a)(1), school personnel may order removal of a child with a disability from the child's current placement for not more than 10 consecutive school days for any violation of school rules, and additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct, as long as these removals do not constitute a change of placement under §300.519(b). However, these removals are permitted only to the extent they are consistent with discipline that is applied to children without disabilities. Also, school personnel should be aware of constitutional due process protections that apply to suspensions of all children. Goss v. Lopez, 419 U.S. 565 (1975). Section 300.121(d) addresses the extent of the obligation to provide services after a child with a disability has been removed from his or her current placement for more than 10 school days in the same school year.

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